

Union Calendar No. 356

105TH CONGRESS
2^D Session

H. R. 4274

[Report No. 105-635]

A BILL

Making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1999, and for other purposes.

JULY 20, 1998

Reported from the Committee on Appropriations, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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IN THE HOUSE OF REPRESENTATIVES

JULY 20, 1998

Mr. PORTER, from the Committee on Appropriations, reported the following bill; which was committed to the Committee of the Whole House on the State of the Union and ordered to be printed

A BILL

Making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1999, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the following sums are appropriated, out of any
4 money in the Treasury not otherwise appropriated, for the
5 Departments of Labor, Health and Human Services, and

1 Education, and related agencies for the fiscal year ending
2 September 30, 1999, and for other purposes, namely:

3 TITLE I—DEPARTMENT OF LABOR

4 EMPLOYMENT AND TRAINING ADMINISTRATION

5 TRAINING AND EMPLOYMENT SERVICES

6 (INCLUDING RESCISSION)

7 For necessary expenses of the Job Training Partner-
8 ship Act, as amended, including the purchase and hire of
9 passenger motor vehicles, the construction, alteration, and
10 repair of buildings and other facilities, and the purchase
11 of real property for training centers as authorized by the
12 Job Training Partnership Act; the Stewart B. McKinney
13 Homeless Assistance Act; the Women in Apprenticeship
14 and Nontraditional Occupations Act; the National Skill
15 Standards Act of 1994; and the School-to-Work Opportu-
16 nities Act; \$4,000,873,000 plus reimbursements, of which
17 \$3,771,654,000 is available for obligation for the period
18 July 1, 1999 through June 30, 2000; of which
19 \$150,572,000 is available for the period July 1, 1999
20 through June 30, 2002 for necessary expenses of construc-
21 tion, rehabilitation, and acquisition of Job Corps centers;
22 and of which \$75,000,000 shall be available from July 1,
23 1999 through September 30, 2000, for carrying out activi-
24 ties of the School-to-Work Opportunities Act: *Provided,*
25 That \$53,815,000 shall be for carrying out section 401
26 of the Job Training Partnership Act, \$71,017,000 shall

1 be for carrying out section 402 of such Act, \$7,300,000
2 shall be for carrying out section 441 of such Act,
3 \$5,000,000 shall be for all activities conducted by and
4 through the National Occupational Information Coordi-
5 nating Committee under such Act, \$955,000,000 shall be
6 for carrying out title II, part A of such Act, and
7 \$129,965,000 shall be for carrying out title II, part C of
8 such Act: *Provided further*, That the National Occupa-
9 tional Information Coordinating Committee is authorized,
10 effective upon enactment, to charge fees for publications,
11 training and technical assistance developed by the Na-
12 tional Occupational Information Coordinating Committee:
13 *Provided further*, That revenues received from publications
14 and delivery of technical assistance and training, notwith-
15 standing 31 U.S.C. 3302, shall be credited to the National
16 Occupational Information Coordinating Committee pro-
17 gram account and shall be available to the National Occu-
18 pational Information Coordinating Committee without fur-
19 ther appropriations, so long as such revenues are used for
20 authorized activities of the National Occupational Infor-
21 mation Coordinating Committee: *Provided further*, That
22 no funds from any other appropriation shall be used to
23 provide meal services at or for Job Corps centers: *Provided*
24 *further*, That funds provided for title III of the Job Train-
25 ing Partnership Act shall not be subject to the limitation

1 contained in subsection (b) of section 315 of such Act;
2 that the waiver described in section 315(a)(2) may be
3 granted if a substate grantee demonstrates to the Gov-
4 ernor that such waiver is appropriate due to the availabil-
5 ity of low-cost retraining services, is necessary to facilitate
6 the provision of needs-related payments to accompany
7 long-term training, or is necessary to facilitate the provi-
8 sion of appropriate basic readjustment services; and that
9 funds provided for discretionary grants under part B of
10 such title III may be used to provide needs-related pay-
11 ments to participants who, in lieu of meeting the enroll-
12 ment requirements under section 314(e) of such Act, are
13 enrolled in training by the end of the sixth week after
14 grant funds have been awarded: *Provided further*, That
15 service delivery areas and substate areas may transfer up
16 to 20 percent of the funding provided herein under author-
17 ity of title II, part A and title III of the Job Training
18 Partnership Act between the programs authorized by
19 those titles of the Act, if such transfer is approved by the
20 Governor: *Provided further*, That, notwithstanding any
21 other provision of law, any proceeds from the sale of Job
22 Corps center facilities shall be retained by the Secretary
23 of Labor to carry out the Job Corps program: *Provided*
24 *further*, That notwithstanding any other provision of law,
25 the Secretary of Labor may waive any of the statutory

1 or regulatory requirements of titles I–III of the Job Train-
2 ing Partnership Act (except for requirements relating to
3 wage and labor standards, worker rights, participation
4 and protection, grievance procedures and judicial review,
5 nondiscrimination, allocation of funds to local areas, eligi-
6 bility, review and approval of plans, the establishment and
7 functions of service delivery areas and private industry
8 councils, and the basic purposes of the Act), and any of
9 the statutory or regulatory requirements of sections 8–10
10 of the Wagner-Peyser Act (except for requirements relat-
11 ing to the provision of services to unemployment insurance
12 claimants and veterans, and to universal access to basic
13 labor exchange services without cost to job seekers), only
14 for funds available for expenditure in program year 1999,
15 pursuant to a request submitted by a State which identi-
16 fies the statutory or regulatory requirements that are re-
17 quested to be waived and the goals which the State or
18 local service delivery areas intend to achieve, describes the
19 actions that the State or local service delivery areas have
20 undertaken to remove State or local statutory or regu-
21 latory barriers, describes the goals of the waiver and the
22 expected programmatic outcomes if the request is granted,
23 describes the individuals impacted by the waiver, and de-
24 scribes the process used to monitor the progress in imple-
25 menting a waiver, and for which notice and an opportunity

1 to comment on such request has been provided to the orga-
2 nizations identified in section 105(a)(1) of the Job Train-
3 ing Partnership Act, if and only to the extent that the
4 Secretary determines that such requirements impede the
5 ability of the State to implement a plan to improve the
6 workforce development system and the State has executed
7 a Memorandum of Understanding with the Secretary re-
8 quiring such State to meet agreed upon outcomes and im-
9 plement other appropriate measures to ensure accountabil-
10 ity.

11 Of the funds made available beginning on October 1,
12 1998 under this heading in Public Law 105–78 for Oppor-
13 tunity Areas of Out-of-School Youth, \$250,000,000 are
14 rescinded.

15 COMMUNITY SERVICE EMPLOYMENT FOR OLDER

16 AMERICANS

17 To carry out the activities for national grants or con-
18 tracts with public agencies and public or private nonprofit
19 organizations under paragraph (1)(A) of section 506(a)
20 of title V of the Older Americans Act of 1965, as amended,
21 or to carry out older worker activities as subsequently au-
22 thorized, \$343,356,000.

23 To carry out the activities for grants to States under
24 paragraph (3) of section 506(a) of title V of the Older
25 Americans Act of 1965, as amended, or to carry out older
26 worker activities as subsequently authorized, \$96,844,000.

1 FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

2 For payments during the current fiscal year of trade
3 adjustment benefit payments and allowances under part
4 I; and for training, allowances for job search and reloca-
5 tion, and related State administrative expenses under part
6 II, subchapters B and D, chapter 2, title II of the Trade
7 Act of 1974, as amended, \$360,700,000, together with
8 such amounts as may be necessary to be charged to the
9 subsequent appropriation for payments for any period sub-
10 sequent to September 15 of the current year.

11 STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT
12 SERVICE OPERATIONS

13 For authorized administrative expenses,
14 \$152,097,000, together with not to exceed
15 \$3,122,476,000 (including not to exceed \$1,228,000
16 which may be used for amortization payments to States
17 which had independent retirement plans in their State em-
18 ployment service agencies prior to 1980), which may be
19 expended from the Employment Security Administration
20 account in the Unemployment Trust Fund including the
21 cost of administering section 1201 of the Small Business
22 Job Protection Act of 1996, section 7(d) of the Wagner-
23 Peyser Act, as amended, the Trade Act of 1974, as
24 amended, section 461 of the Job Training Partnership
25 Act, the Immigration Act of 1990, and the Immigration
26 and Nationality Act, as amended, and of which the sums

1 available in the allocation for activities authorized by title
2 III of the Social Security Act, as amended (42 U.S.C.
3 502–504), and the sums available in the allocation for nec-
4 essary administrative expenses for carrying out 5 U.S.C.
5 8501–8523, shall be available for obligation by the States
6 through December 31, 1999, except that funds used for
7 automation acquisitions shall be available for obligation by
8 the States through September 30, 2001; and of which
9 \$152,097,000, together with not to exceed \$746,138,000
10 of the amount which may be expended from said trust
11 fund, shall be available for obligation for the period July
12 1, 1999 through June 30, 2000, to fund activities under
13 the Act of June 6, 1933, as amended, including the cost
14 of penalty mail authorized under 39 U.S.C. 3202(a)(1)(E)
15 made available to States in lieu of allotments for such pur-
16 pose, and of which \$196,333,000 shall be available only
17 to the extent necessary for additional State allocations to
18 administer unemployment compensation laws to finance
19 increases in the number of unemployment insurance
20 claims filed and claims paid or changes in a State law:
21 *Provided*, That to the extent that the Average Weekly In-
22 sured Unemployment (AWIU) for fiscal year 1999 is pro-
23 jected by the Department of Labor to exceed 2,629,000,
24 an additional \$28,600,000 shall be available for obligation
25 for every 100,000 increase in the AWIU level (including

1 a pro rata amount for any increment less than 100,000)
2 from the Employment Security Administration Account of
3 the Unemployment Trust Fund: *Provided further*, That
4 funds appropriated in this Act which are used to establish
5 a national one-stop career center network may be obli-
6 gated in contracts, grants or agreements with non-State
7 entities: *Provided further*, That funds appropriated under
8 this Act for activities authorized under the Wagner-Peyser
9 Act, as amended, and title III of the Social Security Act,
10 may be used by the States to fund integrated Employment
11 Service and Unemployment Insurance automation efforts,
12 notwithstanding cost allocation principles prescribed
13 under Office of Management and Budget Circular A-87.

14 ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND
15 OTHER FUNDS

16 For repayable advances to the Unemployment Trust
17 Fund as authorized by sections 905(d) and 1203 of the
18 Social Security Act, as amended, and to the Black Lung
19 Disability Trust Fund as authorized by section 9501(c)(1)
20 of the Internal Revenue Code of 1954, as amended; and
21 for nonrepayable advances to the Unemployment Trust
22 Fund as authorized by section 8509 of title 5, United
23 States Code, and to the “Federal unemployment benefits
24 and allowances” account, to remain available until Sep-
25 tember 30, 2000, \$357,000,000.

1 In addition, for making repayable advances to the
2 Black Lung Disability Trust Fund in the current fiscal
3 year after September 15, 1999, for costs incurred by the
4 Black Lung Disability Trust Fund in the current fiscal
5 year, such sums as may be necessary.

6 PROGRAM ADMINISTRATION

7 For expenses of administering employment and train-
8 ing programs, \$93,995,000, including \$6,360,000 to sup-
9 port up to 75 full-time equivalent staff, the majority of
10 which will be term Federal appointments lasting no more
11 than two years, to administer welfare-to-work grants, to-
12 gether with not to exceed \$43,716,000, which may be ex-
13 pended from the Employment Security Administration ac-
14 count in the Unemployment Trust Fund.

15 PENSION AND WELFARE BENEFITS ADMINISTRATION

16 SALARIES AND EXPENSES

17 For necessary expenses for the Pension and Welfare
18 Benefits Administration, \$86,159,000.

19 PENSION BENEFIT GUARANTY CORPORATION

20 PENSION BENEFIT GUARANTY CORPORATION FUND

21 The Pension Benefit Guaranty Corporation is author-
22 ized to make such expenditures, including financial assist-
23 ance authorized by section 104 of Public Law 96-364,
24 within limits of funds and borrowing authority available
25 to such Corporation, and in accord with law, and to make
26 such contracts and commitments without regard to fiscal

1 year limitations as provided by section 104 of the Govern-
2 ment Corporation Control Act, as amended (31 U.S.C.
3 9104), as may be necessary in carrying out the program
4 through September 30, 1999, for such Corporation: *Pro-*
5 *vided*, That not to exceed \$10,958,000 shall be available
6 for administrative expenses of the Corporation: *Provided*
7 *further*, That expenses of such Corporation in connection
8 with the termination of pension plans, for the acquisition,
9 protection or management, and investment of trust assets,
10 and for benefits administration services shall be consid-
11 ered as non-administrative expenses for the purposes here-
12 of, and excluded from the above limitation.

13 EMPLOYMENT STANDARDS ADMINISTRATION

14 SALARIES AND EXPENSES

15 For necessary expenses for the Employment Stand-
16 ards Administration, including reimbursement to State,
17 Federal, and local agencies and their employees for inspec-
18 tion services rendered, \$310,409,000, together with
19 \$1,924,000 which may be expended from the Special Fund
20 in accordance with sections 39(c), 44(d) and 44(j) of the
21 Longshore and Harbor Workers' Compensation Act: *Pro-*
22 *vided*, That \$1,500,000 shall be for the development of
23 an alternative system for the electronic submission of re-
24 ports as required to be filed under the Labor-Management
25 Reporting and Disclosure Act of 1959, as amended, and

1 for a computer database of the information for each sub-
 2 mission by whatever means, that is indexed and easily
 3 searchable by the public via the Internet: *Provided further*,
 4 That the Secretary of Labor is authorized to accept, re-
 5 tain, and spend, until expended, in the name of the De-
 6 partment of Labor, all sums of money ordered to be paid
 7 to the Secretary of Labor, in accordance with the terms
 8 of the Consent Judgment in Civil Action No. 91–0027 of
 9 the United States District Court for the District of the
 10 Northern Mariana Islands (May 21, 1992): *Provided fur-*
 11 *ther*, That the Secretary of Labor is authorized to estab-
 12 lish and, in accordance with 31 U.S.C. 3302, collect and
 13 deposit in the Treasury fees for processing applications
 14 and issuing certificates under sections 11(d) and 14 of the
 15 Fair Labor Standards Act of 1938, as amended (29
 16 U.S.C. 211(d) and 214) and for processing applications
 17 and issuing registrations under title I of the Migrant and
 18 Seasonal Agricultural Worker Protection Act (29 U.S.C.
 19 1801 et seq.).

20 SPECIAL BENEFITS

21 (INCLUDING TRANSFER OF FUNDS)

22 For the payment of compensation, benefits, and ex-
 23 penses (except administrative expenses) accruing during
 24 the current or any prior fiscal year authorized by title 5,
 25 chapter 81 of the United States Code; continuation of ben-
 26 efits as provided for under the head “Civilian War Bene-

1 fits” in the Federal Security Agency Appropriation Act,
2 1947; the Employees’ Compensation Commission Approp-
3 priation Act, 1944; sections 4(c) and 5(f) of the War
4 Claims Act of 1948 (50 U.S.C. App. 2012); and 50 per-
5 cent of the additional compensation and benefits required
6 by section 10(h) of the Longshore and Harbor Workers’
7 Compensation Act, as amended, \$179,000,000 together
8 with such amounts as may be necessary to be charged to
9 the subsequent year appropriation for the payment of
10 compensation and other benefits for any period subse-
11 quent to August 15 of the current year: *Provided*, That
12 amounts appropriated may be used under section 8104 of
13 title 5, United States Code, by the Secretary of Labor to
14 reimburse an employer, who is not the employer at the
15 time of injury, for portions of the salary of a reemployed,
16 disabled beneficiary: *Provided further*, That balances of re-
17 imbursements unobligated on September 30, 1998, shall
18 remain available until expended for the payment of com-
19 pensation, benefits, and expenses: *Provided further*, That
20 in addition there shall be transferred to this appropriation
21 from the Postal Service and from any other corporation
22 or instrumentality required under section 8147(c) of title
23 5, United States Code, to pay an amount for its fair share
24 of the cost of administration, such sums as the Secretary
25 determines to be the cost of administration for employees

1 of such fair share entities through September 30, 1999:
 2 *Provided further*, That of those funds transferred to this
 3 account from the fair share entities to pay the cost of ad-
 4 ministration, \$20,250,000 shall be made available to the
 5 Secretary as follows: for the operation of and enhancement
 6 to the automated data processing systems in support of
 7 Federal Employees' Compensation Act administration,
 8 \$11,969,000; for expenditures relating to the expansion
 9 of the periodic roll management project, \$6,652,000; for
 10 the financial management improvement project,
 11 \$1,629,000; and the remaining funds shall be paid into
 12 the Treasury as miscellaneous receipts: *Provided further*,
 13 That the Secretary may require that any person filing a
 14 notice of injury or a claim for benefits under chapter 81
 15 of title 5, United States Code, or 33 U.S.C. 901 et seq.,
 16 provide as part of such notice and claim, such identifying
 17 information (including Social Security account number) as
 18 such regulations may prescribe.

19 BLACK LUNG DISABILITY TRUST FUND

20 (INCLUDING TRANSFER OF FUNDS)

21 For payments from the Black Lung Disability Trust
 22 Fund, \$1,021,000,000, of which \$969,725,000 shall be
 23 available until September 30, 2000, for payment of all
 24 benefits as authorized by section 9501(d) (1), (2), (4), and
 25 (7) of the Internal Revenue Code of 1954, as amended,
 26 and interest on advances as authorized by section

1 9501(c)(2) of that Act, and of which \$30,191,000 shall
2 be available for transfer to Employment Standards Ad-
3 ministration, Salaries and Expenses, \$20,422,000 for
4 transfer to Departmental Management, Salaries and Ex-
5 penses, \$306,000 for transfer to Departmental Manage-
6 ment, Office of Inspector General, and \$356,000 for pay-
7 ment into miscellaneous receipts for the expenses of the
8 Department of Treasury, for expenses of operation and
9 administration of the Black Lung Benefits program as au-
10 thorized by section 9501(d)(5)(A) of that Act: *Provided,*
11 That, in addition, such amounts as may be necessary may
12 be charged to the subsequent year appropriation for the
13 payment of compensation, interest, or other benefits for
14 any period subsequent to August 15 of the current year.

15 OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

16 SALARIES AND EXPENSES

17 For necessary expenses for the Occupational Safety
18 and Health Administration, \$336,678,000, including not
19 to exceed \$77,941,000 which shall be the maximum
20 amount available for grants to States under section 23(g)
21 of the Occupational Safety and Health Act, which grants
22 shall be no less than 50 percent of the costs of State occu-
23 pational safety and health programs required to be in-
24 curred under plans approved by the Secretary under sec-
25 tion 18 of the Occupational Safety and Health Act of

1 1970, and including not less than \$300,000 which shall
2 be for peer review of safety and health standards; and,
3 in addition, notwithstanding 31 U.S.C. 3302, the Occupa-
4 tional Safety and Health Administration may retain up
5 to \$750,000 per fiscal year of training institute course tui-
6 tion fees, otherwise authorized by law to be collected, and
7 may utilize such sums for occupational safety and health
8 training and education grants: *Provided*, That, notwith-
9 standing 31 U.S.C. 3302, the Secretary of Labor is au-
10 thorized, during the fiscal year ending September 30,
11 1999, to collect and retain fees for services provided to
12 Nationally Recognized Testing Laboratories, and may uti-
13 lize such sums, in accordance with the provisions of 29
14 U.S.C. 9a, to administer national and international lab-
15 oratory recognition programs that ensure the safety of
16 equipment and products used by workers in the workplace:
17 *Provided further*, That none of the funds appropriated
18 under this paragraph shall be obligated or expended to
19 prescribe, issue, administer, or enforce any standard, rule,
20 regulation, or order under the Occupational Safety and
21 Health Act of 1970 which is applicable to any person who
22 is engaged in a farming operation which does not maintain
23 a temporary labor camp and employs ten or fewer employ-
24 ees: *Provided further*, That no funds appropriated under
25 this paragraph shall be obligated or expended to admin-

1 ister or enforce any standard, rule, regulation, or order
2 under the Occupational Safety and Health Act of 1970
3 with respect to any employer of ten or fewer employees
4 who is included within a category having an occupational
5 injury lost workday case rate, at the most precise Stand-
6 ard Industrial Classification Code for which such data are
7 published, less than the national average rate as such
8 rates are most recently published by the Secretary, acting
9 through the Bureau of Labor Statistics, in accordance
10 with section 24 of that Act (29 U.S.C. 673), except—

11 (1) to provide, as authorized by such Act, con-
12 sultation, technical assistance, educational and train-
13 ing services, and to conduct surveys and studies;

14 (2) to conduct an inspection or investigation in
15 response to an employee complaint, to issue a cita-
16 tion for violations found during such inspection, and
17 to assess a penalty for violations which are not cor-
18 rected within a reasonable abatement period and for
19 any willful violations found;

20 (3) to take any action authorized by such Act
21 with respect to imminent dangers;

22 (4) to take any action authorized by such Act
23 with respect to health hazards;

24 (5) to take any action authorized by such Act
25 with respect to a report of an employment accident

1 which is fatal to one or more employees or which re-
2 sults in hospitalization of two or more employees,
3 and to take any action pursuant to such investiga-
4 tion authorized by such Act; and

5 (6) to take any action authorized by such Act
6 with respect to complaints of discrimination against
7 employees for exercising rights under such Act: *Pro-*
8 *vided further,* That the foregoing proviso shall not
9 apply to any person who is engaged in a farming op-
10 eration which does not maintain a temporary labor
11 camp and employs ten or fewer employees.

12 MINE SAFETY AND HEALTH ADMINISTRATION

13 SALARIES AND EXPENSES

14 For necessary expenses for the Mine Safety and
15 Health Administration, \$203,397,000, including purchase
16 and bestowal of certificates and trophies in connection
17 with mine rescue and first-aid work, and the hire of pas-
18 senger motor vehicles; and, in addition, not to exceed
19 \$750,000 may be collected by the National Mine Health
20 and Safety Academy for room, board, tuition, and the sale
21 of training materials, otherwise authorized by law to be
22 collected, to be available for mine safety and health edu-
23 cation and training activities, notwithstanding 31 U.S.C.
24 3302; the Secretary is authorized to accept lands, build-
25 ings, equipment, and other contributions from public and

1 private sources and to prosecute projects in cooperation
2 with other agencies, Federal, State, or private; the Mine
3 Safety and Health Administration is authorized to pro-
4 mote health and safety education and training in the min-
5 ing community through cooperative programs with States,
6 industry, and safety associations; and any funds available
7 to the Department may be used, with the approval of the
8 Secretary, to provide for the costs of mine rescue and sur-
9 vival operations in the event of a major disaster: *Provided*,
10 That none of the funds appropriated under this paragraph
11 shall be obligated or expended to carry out section 115
12 of the Federal Mine Safety and Health Act of 1977 or
13 to carry out that portion of section 104(g)(1) of such Act
14 relating to the enforcement of any training requirements,
15 with respect to shell dredging, or with respect to any sand,
16 gravel, surface stone, surface clay, colloidal phosphate, or
17 surface limestone mine.

18 BUREAU OF LABOR STATISTICS

19 SALARIES AND EXPENSES

20 For necessary expenses for the Bureau of Labor Sta-
21 tistics, including advances or reimbursements to State,
22 Federal, and local agencies and their employees for serv-
23 ices rendered, \$344,724,000, of which \$11,159,000 shall
24 be for expenses of revising the Consumer Price Index and
25 shall remain available until September 30, 2000, together

1 with not to exceed \$54,146,000, which may be expended
2 from the Employment Security Administration account in
3 the Unemployment Trust Fund.

4 DEPARTMENTAL MANAGEMENT

5 SALARIES AND EXPENSES

6 For necessary expenses for Departmental Manage-
7 ment, including the hire of three sedans, and including
8 up to \$4,679,000 for the President's Committee on Em-
9 ployment of People With Disabilities, \$163,471,000; to-
10 gether with not to exceed \$299,000, which may be ex-
11 pended from the Employment Security Administration ac-
12 count in the Unemployment Trust Fund: *Provided*, That
13 no funds made available by this Act may be used by the
14 Solicitor of Labor to participate in a review in any United
15 States court of appeals of any decision made by the Bene-
16 fits Review Board under section 21 of the Longshore and
17 Harbor Workers' Compensation Act (33 U.S.C. 921)
18 where such participation is precluded by the decision of
19 the United States Supreme Court in *Director, Office of*
20 *Workers' Compensation Programs v. Newport News Ship-*
21 *building*, 115 S. Ct. 1278 (1995): *Provided further*, That
22 no funds made available by this Act may be used by the
23 Secretary of Labor to review a decision under the
24 Longshore and Harbor Workers' Compensation Act (33
25 U.S.C. 901 et seq.) that has been appealed and that has

1 been pending before the Benefits Review Board for more
2 than 12 months: *Provided further*, That any such decision
3 pending a review by the Benefits Review Board for more
4 than one year shall be considered affirmed by the Benefits
5 Review Board on that date, and shall be considered the
6 final order of the Board for purposes of obtaining a review
7 in the United States courts of appeals: *Provided further*,
8 That these provisions shall not be applicable to the review
9 of any decision issued under the Black Lung Benefits Act
10 (30 U.S.C. 901 et seq.).

11 ASSISTANT SECRETARY FOR VETERANS EMPLOYMENT
12 AND TRAINING

13 Not to exceed \$182,719,000 may be derived from the
14 Employment Security Administration account in the Un-
15 employment Trust Fund to carry out the provisions of 38
16 U.S.C. 4100–4110A and 4321–4327, and Public Law
17 103–353, and which shall be available for obligation by
18 the States through December 31, 1999.

19 OFFICE OF INSPECTOR GENERAL

20 For salaries and expenses of the Office of Inspector
21 General in carrying out the provisions of the Inspector
22 General Act of 1978, as amended, \$42,627,000, together
23 with not to exceed \$3,645,000, which may be expended
24 from the Employment Security Administration account in
25 the Unemployment Trust Fund.

1 GENERAL PROVISIONS

2 SEC. 101. None of the funds appropriated in this title
3 for the Job Corps shall be used to pay the compensation
4 of an individual, either as direct costs or any proration
5 as an indirect cost, at a rate in excess of \$125,000.

6 (TRANSFER OF FUNDS)

7 SEC. 102. Not to exceed 1 percent of any discre-
8 tionary funds (pursuant to the Balanced Budget and
9 Emergency Deficit Control Act, as amended) which are
10 appropriated for the current fiscal year for the Depart-
11 ment of Labor in this Act may be transferred between ap-
12 propriations, but no such appropriation shall be increased
13 by more than 3 percent by any such transfer: *Provided*,
14 That the Appropriations Committees of both Houses of
15 Congress are notified at least fifteen days in advance of
16 any transfer.

17 SEC. 103. Funds shall be available for carrying out
18 title IV–B of the Job Training Partnership Act, notwith-
19 standing section 427(c) of that Act, if a Job Corps center
20 fails to meet national performance standards established
21 by the Secretary.

22 SEC. 104. (a) GENERAL RULE.—Whenever the Sec-
23 retary of Labor determines that a standard should be pro-
24 mulgated under section 6(b) of the Occupational Safety
25 and Health Act of 1970, the Secretary shall, in order to
26 serve the objectives of such Act and in lieu of the authority

1 of the Secretary to appoint an advisory committee de-
2 scribed in section 6(b)(1) of such Act, appoint a panel of
3 individuals to review the scientific and economic data
4 which forms the basis for such standard.

5 (b) PANEL.—A panel appointed under subsection (a)
6 shall be balanced in terms of the points of view rep-
7 resented and shall consist of persons who are able to give
8 independent judgment and who have expertise in scientific
9 or economic analysis related to the matter which is the
10 subject of the standard. An individual with a financial in-
11 terest in the outcome of the standard may be included as
12 a member of the panel if such individual fully discloses
13 such interest to the Secretary.

14 (c) REPORTS.—Reports of the panel shall be submit-
15 ted to the Secretary prior to publication of any final rule
16 promulgating a standard and shall be published together
17 with any such final rule. The Secretary shall provide a
18 written response to all significant comments of the panel
19 and shall include such responses with the final rule to
20 which the reports of the panel are attached.

21 (d) NEGOTIATED RULEMAKING.—The requirement of
22 subsection (a) shall not apply when the rule is completed
23 through negotiated rulemaking under subchapter III of
24 chapter 5 of title 5, United States Code.

1 (e) **ERGONOMICS.**—None of the provisions of this sec-
2 tion shall apply to any standard on ergonomics.

3 **SEC. 105.** (a) None of the funds appropriated in this
4 or any other Act may be used to implement any final rules
5 altering the regulations Implementing the Federal Coal
6 Mine Health and Safety Act of 1969 (20 CFR Part 718,
7 et seq.) until the Office of Advocacy of the Small Business
8 Administration and the Office of Information and Regu-
9 latory Affairs of the Office of Management and Budget
10 have certified to the Congress that such rules comply with
11 chapter 6 of title 5, United States Code (relating to regu-
12 latory flexibility) and the Small Business Regulatory En-
13 forcement Fairness Act of 1996.

14 (b) After a certification is made pursuant to sub-
15 section (a), the Department of Labor shall permit the sub-
16 mission of public comments on the proposed rules for an
17 additional 60 days beginning on the date of the certifi-
18 cation.

19 This title may be cited as the “Department of Labor
20 Appropriations Act, 1999”.

1 TITLE II—DEPARTMENT OF HEALTH AND
2 HUMAN SERVICES

3 HEALTH RESOURCES AND SERVICES ADMINISTRATION
4 HEALTH RESOURCES AND SERVICES

5 For carrying out titles II, III, VII, VIII, X, XII, XIX,
6 and XXVI of the Public Health Service Act, section
7 427(a) of the Federal Coal Mine Health and Safety Act,
8 title V of the Social Security Act, the Health Care Quality
9 Improvement Act of 1986, as amended, and the Native
10 Hawaiian Health Care Act of 1988, as amended,
11 \$3,888,522,000, of which \$150,000 shall remain available
12 until expended for interest subsidies on loan guarantees
13 made prior to fiscal year 1981 under part B of title VII
14 of the Public Health Service Act: *Provided*, That the Divi-
15 sion of Federal Occupational Health may utilize personal
16 services contracting to employ professional management/
17 administrative and occupational health professionals: *Pro-*
18 *vided further*, That of the funds made available under this
19 heading, \$250,000 shall be available until expended for
20 facilities renovations at the Gillis W. Long Hansen's Dis-
21 ease Center: *Provided further*, That in addition to fees au-
22 thorized by section 427(b) of the Health Care Quality Im-
23 provement Act of 1986, fees shall be collected for the full
24 disclosure of information under the Act sufficient to re-
25 cover the full costs of operating the National Practitioner

1 Data Bank, and shall remain available until expended to
2 carry out that Act: *Provided further*, That no more than
3 \$5,000,000 is available for carrying out the provisions of
4 Public Law 104–73: *Provided further*, That of the funds
5 made available under this heading, \$202,903,000 shall be
6 for the program under title X of the Public Health Service
7 Act to provide for voluntary family planning projects: *Pro-*
8 *vided further*, That amounts provided to said projects
9 under such title shall not be expended for abortions, that
10 all pregnancy counseling shall be nondirective, and that
11 such amounts shall not be expended for any activity (in-
12 cluding the publication or distribution of literature) that
13 in any way tends to promote public support or opposition
14 to any legislative proposal or candidate for public office:
15 *Provided further*, That \$385,500,000 shall be for State
16 AIDS Drug Assistance Programs authorized by section
17 2616 of the Public Health Service Act: *Provided further*,
18 That notwithstanding any other provision of law, funds
19 made available under this heading may be used to con-
20 tinue operating the Council on Graduate Medical Edu-
21 cation established by section 301 of Public Law 102–408:
22 *Provided further*, That, notwithstanding section 502(a)(1)
23 of the Social Security Act, not to exceed \$103,863,000 is
24 available for carrying out special projects of regional and

1 national significance pursuant to section 501(a)(2) of such
2 Act.

3 MEDICAL FACILITIES GUARANTEE AND LOAN FUND

4 FEDERAL INTEREST SUBSIDIES FOR MEDICAL FACILITIES

5 For carrying out subsections (d) and (e) of section
6 1602 of the Public Health Service Act, \$1,000,000, to-
7 gether with any amounts received by the Secretary in con-
8 nection with loans and loan guarantees under title VI of
9 the Public Health Service Act, to be available without fis-
10 cal year limitation for the payment of interest subsidies.
11 During the fiscal year, no commitments for direct loans
12 or loan guarantees shall be made.

13 HEALTH EDUCATION ASSISTANCE LOANS PROGRAM

14 Such sums as may be necessary to carry out the pur-
15 pose of the program, as authorized by Title VII of the
16 Public Health Service Act, as amended. For administra-
17 tive expenses to carry out the guaranteed loan program,
18 including section 709 of the Public Health Service Act,
19 \$3,688,000.

20 VACCINE INJURY COMPENSATION PROGRAM TRUST FUND

21 For payments from the Vaccine Injury Compensation
22 Program Trust Fund, such sums as may be necessary for
23 claims associated with vaccine-related injury or death with
24 respect to vaccines administered after September 30,
25 1988, pursuant to subtitle 2 of title XXI of the Public
26 Health Service Act, to remain available until expended:

1 *Provided*, That for necessary administrative expenses, not
2 to exceed \$3,000,000 shall be available from the Trust
3 Fund to the Secretary of Health and Human Services.

4 CENTERS FOR DISEASE CONTROL AND PREVENTION
5 DISEASE CONTROL, RESEARCH, AND TRAINING

6 To carry out titles II, III, VII, XI, XV, XVII, and
7 XIX of the Public Health Service Act, sections 101, 102,
8 103, 201, 202, 203, 301, and 501 of the Federal Mine
9 Safety and Health Act of 1977, sections 20, 21 and 22
10 of the Occupational Safety and Health Act of 1970, title
11 IV of the Immigration and Nationality Act and section
12 501 of the Refugee Education Assistance Act of 1980; in-
13 cluding insurance of official motor vehicles in foreign
14 countries; and hire, maintenance, and operation of air-
15 craft, \$2,540,433,000, of which \$12,800,000 shall remain
16 available until expended for equipment and construction
17 and renovation of facilities, and in addition, such sums
18 as may be derived from authorized user fees, which shall
19 be credited to this account: *Provided*, That in addition to
20 amounts provided herein, up to \$59,232,000 shall be
21 available from amounts available under section 241 of the
22 Public Health Service Act, to carry out the National Cen-
23 ter for Health Statistics surveys: *Provided further*, That
24 \$51,000,000 shall be for a civilian stockpile of antidotes,
25 antibiotics, and vaccines: *Provided further*, That none of

1 the funds made available for injury prevention and control
 2 at the Centers for Disease Control and Prevention may
 3 be used to advocate or promote gun control: *Provided fur-*
 4 *ther*, That the Director may redirect the total amount
 5 made available under authority of Public Law 101–502,
 6 section 3, dated November 3, 1990, to activities the Direc-
 7 tor may so designate: *Provided further*, That the Congress
 8 is to be notified promptly of any such transfer.

9 In addition, \$51,000,000, to be derived from the Vio-
 10 lent Crime Reduction Trust Fund, for carrying out sec-
 11 tions 40151 and 40261 of Public Law 103–322.

12 NATIONAL INSTITUTES OF HEALTH

13 NATIONAL CANCER INSTITUTE

14 For carrying out section 301 and title IV of the Pub-
 15 lic Health Service Act with respect to cancer,
 16 \$2,787,830,000.

17 NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

18 For carrying out section 301 and title IV of the Pub-
 19 lic Health Service Act with respect to cardiovascular, lung,
 20 and blood diseases, and blood and blood products,
 21 \$1,720,344,000.

22 NATIONAL INSTITUTE OF DENTAL AND CRANIOFACIAL

23 RESEARCH

24 For carrying out section 301 and title IV of the Pub-
 25 lic Health Service Act with respect to dental disease,
 26 \$228,961,000.

1 NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND
2 KIDNEY DISEASES

3 For carrying out section 301 and title IV of the Pub-
4 lic Health Service Act with respect to diabetes and diges-
5 tive and kidney disease, \$951,203,000.

6 NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS
7 AND STROKE

8 For carrying out section 301 and title IV of the Pub-
9 lic Health Service Act with respect to neurological dis-
10 orders and stroke, \$851,066,000.

11 NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS
12 DISEASES

13 For carrying out section 301 and title IV of the Pub-
14 lic Health Service Act with respect to allergy and infec-
15 tious diseases, \$1,470,460,000.

16 NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

17 For carrying out section 301 and title IV of the Pub-
18 lic Health Service Act with respect to general medical
19 sciences, \$1,150,840,000.

20 NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN
21 DEVELOPMENT

22 For carrying out section 301 and title IV of the Pub-
23 lic Health Service Act with respect to child health and
24 human development, \$728,817,000.

1 NATIONAL EYE INSTITUTE

2 For carrying out section 301 and title IV of the Pub-
3 lic Health Service Act with respect to eye diseases and
4 visual disorders, \$383,447,000.

5 NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH
6 SCIENCES

7 For carrying out sections 301 and 311 and title IV
8 of the Public Health Service Act with respect to environ-
9 mental health sciences, \$356,047,000.

10 NATIONAL INSTITUTE ON AGING

11 For carrying out section 301 and title IV of the Pub-
12 lic Health Service Act with respect to aging,
13 \$565,574,000.

14 NATIONAL INSTITUTE OF ARTHRITIS AND
15 MUSCULOSKELETAL AND SKIN DISEASES

16 For carrying out section 301 and title IV of the Pub-
17 lic Health Service Act with respect to arthritis and mus-
18 culoskeletal and skin diseases, \$296,668,000.

19 NATIONAL INSTITUTE ON DEAFNESS AND OTHER
20 COMMUNICATION DISORDERS

21 For carrying out section 301 and title IV of the Pub-
22 lic Health Service Act with respect to deafness and other
23 communication disorders, \$216,995,000.

1 NATIONAL INSTITUTE OF NURSING RESEARCH

2 For carrying out section 301 and title IV of the Pub-
3 lic Health Service Act with respect to nursing research,
4 \$68,198,000.

5 NATIONAL INSTITUTE ON ALCOHOL ABUSE AND
6 ALCOHOLISM

7 For carrying out section 301 and title IV of the Pub-
8 lic Health Service Act with respect to alcohol abuse and
9 alcoholism, \$248,778,000.

10 NATIONAL INSTITUTE ON DRUG ABUSE

11 For carrying out section 301 and title IV of the Pub-
12 lic Health Service Act with respect to drug abuse,
13 \$575,426,000.

14 NATIONAL INSTITUTE OF MENTAL HEALTH

15 For carrying out section 301 and title IV of the Pub-
16 lic Health Service Act with respect to mental health,
17 \$815,707,000.

18 NATIONAL HUMAN GENOME RESEARCH INSTITUTE

19 For carrying out section 301 and title IV of the Pub-
20 lic Health Service Act with respect to human genome re-
21 search, \$246,111,000.

22 NATIONAL CENTER FOR RESEARCH RESOURCES

23 For carrying out section 301 and title IV of the Pub-
24 lic Health Service Act with respect to research resources
25 and general research support grants, \$513,948,000: *Pro-*
26 *vided*, That none of these funds shall be used to pay recipi-

ents of the general research support grants program any amount for indirect expenses in connection with such grants: *Provided further*, That \$20,000,000 shall be for extramural facilities construction grants.

JOHN E. FOGARTY INTERNATIONAL CENTER

For carrying out the activities at the John E. Fogarty International Center, \$30,367,000.

NATIONAL LIBRARY OF MEDICINE

For carrying out section 301 and title IV of the Public Health Service Act with respect to health information communications, \$176,492,000, of which \$4,000,000 shall be available until expended for improvement of information systems: *Provided*, That in fiscal year 1999, the Library may enter into personal services contracts for the provision of services in facilities owned, operated, or constructed under the jurisdiction of the National Institutes of Health.

OFFICE OF THE DIRECTOR

(INCLUDING TRANSFER OF FUNDS)

For carrying out the responsibilities of the Office of the Director, National Institutes of Health, \$254,145,000, of which \$41,752,000 shall be for the Office of AIDS Research: *Provided*, That funding shall be available for the purchase of not to exceed twenty-nine passenger motor vehicles for replacement only: *Provided further*, That the Director may direct up to 1 percent of the total amount

1 made available in this or any other Act to all National
 2 Institutes of Health appropriations to activities the Direc-
 3 tor may so designate: *Provided further*, That no such ap-
 4 propriation shall be decreased by more than 1 percent by
 5 any such transfers and that the Congress is promptly noti-
 6 fied of the transfer: *Provided further*, That NIH is author-
 7 ized to collect third party payments for the cost of clinical
 8 services that are incurred in National Institutes of Health
 9 research facilities and that such payments shall be cred-
 10 ited to the National Institutes of Health Management
 11 Fund: *Provided further*, That all funds credited to the
 12 NIH Management Fund shall remain available for one fis-
 13 cal year after the fiscal year in which they are deposited:
 14 *Provided further*, That up to \$500,000 shall be available
 15 to carry out section 499 of the Public Health Service Act:
 16 *Provided further*, That, notwithstanding section
 17 499(k)(10) of the Public Health Service Act, funds from
 18 the National Foundation for Biomedical Research may be
 19 transferred to the National Institutes of Health.

20 BUILDINGS AND FACILITIES

21 For the study of, construction of, and acquisition of
 22 equipment for, facilities of or used by the National Insti-
 23 tutes of Health, including the acquisition of real property,
 24 \$224,599,000, to remain available until expended, of
 25 which \$90,000,000 shall be for the clinical research center
 26 and \$9,143,000 shall be for the Vaccine Facility: *Provided*,

1 That notwithstanding any other provision of law, a single
2 contract or related contracts for the development and con-
3 struction of the clinical research center may be employed
4 which collectively include the full scope of the project: *Pro-*
5 *vided further*, That the solicitation and contract shall con-
6 tain the clause “availability of funds” found at 48 CFR
7 52.232–18.

8 SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES
9 ADMINISTRATION

10 SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

11 For carrying out titles V and XIX of the Public
12 Health Service Act with respect to substance abuse and
13 mental health services, the Protection and Advocacy for
14 Mentally Ill Individuals Act of 1986, and section 301 of
15 the Public Health Service Act with respect to program
16 management, \$2,418,005,000, of which \$10,000,000 shall
17 be for grants to rural and Native American projects.

18 RETIREMENT PAY AND MEDICAL BENEFITS FOR
19 COMMISSIONED OFFICERS

20 For retirement pay and medical benefits of Public
21 Health Service Commissioned Officers as authorized by
22 law, for payments under the Retired Serviceman’s Family
23 Protection Plan and Survivor Benefit Plan, for medical
24 care of dependents and retired personnel under the De-
25 pendents’ Medical Care Act (10 U.S.C. ch. 55), and for
26 payments pursuant to section 229(b) of the Social Secu-

1 rity Act (42 U.S.C. 429(b)), such amounts as may be re-
 2 quired during the current fiscal year.

3 AGENCY FOR HEALTH CARE POLICY AND RESEARCH

4 HEALTH CARE POLICY AND RESEARCH

5 For carrying out titles III and IX of the Public
 6 Health Service Act, and part A of title XI of the Social
 7 Security Act, \$100,408,000; in addition, amounts received
 8 from Freedom of Information Act fees, reimbursable and
 9 interagency agreements, and the sale of data tapes shall
 10 be credited to this appropriation and shall remain avail-
 11 able until expended: *Provided*, That the amount made
 12 available pursuant to section 926(b) of the Public Health
 13 Service Act shall not exceed \$70,647,000.

14 HEALTH CARE FINANCING ADMINISTRATION

15 GRANTS TO STATES FOR MEDICAID

16 For carrying out, except as otherwise provided, titles
 17 XI and XIX of the Social Security Act, \$74,593,733,000,
 18 to remain available until expended.

19 For making, after May 31, 1999, payments to States
 20 under title XIX of the Social Security Act for the last
 21 quarter of fiscal year 1999 for unanticipated costs, in-
 22 curred for the current fiscal year, such sums as may be
 23 necessary.

24 For making payments to States under title XIX of
 25 the Social Security Act for the first quarter of fiscal year

1 2000, \$28,733,605,000, to remain available until ex-
2 pended.

3 Payment under title XIX may be made for any quar-
4 ter with respect to a State plan or plan amendment in
5 effect during such quarter, if submitted in or prior to such
6 quarter and approved in that or any subsequent quarter.

7 PAYMENTS TO HEALTH CARE TRUST FUNDS

8 For payment to the Federal Hospital Insurance and
9 the Federal Supplementary Medical Insurance Trust
10 Funds, as provided under sections 217(g) and 1844 of the
11 Social Security Act, sections 103(c) and 111(d) of the So-
12 cial Security Amendments of 1965, section 278(d) of Pub-
13 lic Law 97-248, and for administrative expenses incurred
14 pursuant to section 201(g) of the Social Security Act,
15 \$62,953,000,000.

16 PROGRAM MANAGEMENT

17 For carrying out, except as otherwise provided, titles
18 XI, XVIII, XIX and XXI of the Social Security Act, titles
19 XIII and XXVII of the Public Health Service Act, and
20 the Clinical Laboratory Improvement Amendments of
21 1988, not to exceed \$1,942,500,000 to be transferred
22 from the Federal Hospital Insurance and the Federal Sup-
23 plementary Medical Insurance Trust Funds, as authorized
24 by section 201(g) of the Social Security Act; together with
25 all funds collected in accordance with section 353 of the
26 Public Health Service Act and such sums as may be col-

1 lected from authorized user fees and the sale of data,
2 which shall remain available until expended, and together
3 with administrative fees collected relative to Medicare
4 overpayment recovery activities, which shall remain avail-
5 able until expended: *Provided*, That all funds derived in
6 accordance with 31 U.S.C. 9701 from organizations estab-
7 lished under title XIII of the Public Health Service Act
8 shall be credited to and available for carrying out the pur-
9 poses of this appropriation: *Provided further*, That
10 \$600,000 shall be for carrying out section 4021 of Public
11 Law 105–33: *Provided further*, That in carrying out its
12 legislative mandate, the National Bipartisan Commission
13 on the Future of Medicare shall examine the impact of
14 increased investments in health research on future Medi-
15 care costs, and the potential for coordinating Medicare
16 with cost-effective long-term care services: *Provided fur-*
17 *ther*, That \$45,000,000 appropriated under this heading
18 for the transition to a single Part A and Part B processing
19 system shall remain available until expended: *Provided*
20 *further*, That funds appropriated under this heading may
21 be obligated to increase Medicare provider audits and im-
22 plement the Department’s corrective action plan to the
23 Chief Financial Officer’s audit of the Health Care Financ-
24 ing Administration’s oversight of Medicare: *Provided fur-*
25 *ther*, That the Secretary of Health and Human Services

1 is directed to collect, in aggregate, \$95,000,000 in fees
2 in fiscal year 1999 from Medicare + Choice organizations
3 pursuant to section 1857(e)(2) of the Social Security Act
4 and from eligible organizations with risk-sharing contracts
5 under section 1876 of that Act pursuant to section
6 1876(k)(4)(D) of that Act.

7 HEALTH MAINTENANCE ORGANIZATION LOAN AND LOAN
8 GUARANTEE FUND

9 For carrying out subsections (d) and (e) of section
10 1308 of the Public Health Service Act, any amounts re-
11 ceived by the Secretary in connection with loans and loan
12 guarantees under title XIII of the Public Health Service
13 Act, to be available without fiscal year limitation for the
14 payment of outstanding obligations. During fiscal year
15 1999, no commitments for direct loans or loan guarantees
16 shall be made.

17 ADMINISTRATION FOR CHILDREN AND FAMILIES
18 FAMILY SUPPORT PAYMENTS TO STATES

19 For making payments to States or other non-Federal
20 entities under titles I, IV–D, X, XI, XIV, and XVI of the
21 Social Security Act and the Act of July 5, 1960 (24
22 U.S.C. ch. 9), to remain available until expended,
23 \$1,989,000,000; and for such purposes for the first quar-
24 ter of fiscal year 2000, \$750,000,000.

25 For making, after May 31 of the current fiscal year,
26 payments to States or other non-Federal entities under

1 titles I, IV–D, X, XI, XIV, and XVI of the Social Security
2 Act and the Act of July 5, 1960 (24 U.S.C. ch. 9), for
3 the last three months of the current year for unanticipated
4 costs, incurred for the current fiscal year, such sums as
5 may be necessary.

6 LOW INCOME HOME ENERGY ASSISTANCE
7 (INCLUDING RESCISSION)

8 Of the funds made available beginning on October 1,
9 1998 under this heading in Public Law 105–78,
10 \$1,100,000,000 are rescinded.

11 For making payments under title XXVI of the Omni-
12 bus Budget Reconciliation Act of 1981, \$1,100,000,000,
13 to be available for obligation in the period October 1, 1999
14 through September 30, 2000.

15 REFUGEE AND ENTRANT ASSISTANCE

16 For making payments for refugee and entrant assist-
17 ance activities authorized by title IV of the Immigration
18 and Nationality Act and section 501 of the Refugee Edu-
19 cation Assistance Act of 1980 (Public Law 96–422),
20 \$415,165,000: *Provided*, That funds appropriated pursu-
21 ant to section 414(a) of the Immigration and Nationality
22 Act under Public Law 104–208 for fiscal year 1997 shall
23 be available for the costs of assistance provided and other
24 activities conducted in such year and in fiscal years 1998
25 and 1999.

1 CHILD CARE AND DEVELOPMENT BLOCK GRANT

2 For carrying out sections 658A through 658R of the
3 Omnibus Budget Reconciliation Act of 1981 (The Child
4 Care and Development Block Grant Act of 1990), to be-
5 come available on October 1, 1999 and remain available
6 through September 30, 2000, \$1,000,000,000.

7 SOCIAL SERVICES BLOCK GRANT

8 For making grants to States pursuant to section
9 2002 of the Social Security Act, \$2,299,000,000: *Pro-*
10 *vided*, That (1) notwithstanding section 2003(c) of such
11 Act, as amended, the amount specified for allocation under
12 such section for fiscal year 1999 shall be \$2,299,000,000
13 and (2) notwithstanding subparagraph (B) of section
14 404(d)(2) of such Act, the applicable percent specified
15 under such subparagraph for a State for fiscal year 1999
16 shall be the percent of the State grant under section
17 403(a) of such Act for fiscal year 1998 transferred in fis-
18 cal year 1998 to the State program under title XX of such
19 Act.

20 CHILDREN AND FAMILIES SERVICES PROGRAMS

21 (INCLUDING RESCISSIONS)

22 For carrying out, except as otherwise provided, the
23 Runaway and Homeless Youth Act, the Developmental
24 Disabilities Assistance and Bill of Rights Act, the Head
25 Start Act, the Child Abuse Prevention and Treatment Act
26 (including section 105(a)(2) of the Child Abuse Prevention

1 and Treatment Act), the Native American Programs Act
2 of 1974, title II of Public Law 95–266 (adoption opportu-
3 nities), the Adoption and Safe Families Act of 1997 (Pub-
4 lic Law 105–89), the Abandoned Infants Assistance Act
5 of 1988, part B(1) of title IV and sections 413, 429A and
6 1110 of the Social Security Act; for making payments
7 under the Community Services Block Grant Act; and for
8 necessary administrative expenses to carry out said Acts
9 and titles I, IV, X, XI, XIV, XVI, and XX of the Social
10 Security Act, the Act of July 5, 1960 (24 U.S.C. ch. 9),
11 the Omnibus Budget Reconciliation Act of 1981, title IV
12 of the Immigration and Nationality Act, section 501 of
13 the Refugee Education Assistance Act of 1980, sections
14 40155, 40211 and 40241 of Public Law 103–322 and sec-
15 tion 126 and titles IV and V of Public Law 100–485,
16 \$5,841,820,000, of which \$20,000,000, to remain avail-
17 able until September 30, 2000, shall be for grants to
18 States for adoption incentive payments, as authorized by
19 section 473A of title IV of the Social Security Act (42
20 U.S.C. 670–679); of which \$548,502,000 shall be for
21 making payments under the Community Services Block
22 Grant Act; and of which \$4,500,000,000 shall be for mak-
23 ing payments under the Head Start Act: *Provided*, That,
24 notwithstanding section 640(a)(6), of the funds made
25 available for the Head Start Act, \$337,500,000 shall be

1 set aside for the Head Start Program for Families with
 2 Infants and Toddlers (Early Head Start): *Provided fur-*
 3 *ther*, That to the extent Community Services Block Grant
 4 funds are distributed as grant funds by a State to an eligi-
 5 ble entity as provided under the Act, and have not been
 6 expended by such entity, they shall remain with such en-
 7 tity for carryover into the next fiscal year for expenditure
 8 by such entity consistent with program purposes.

9 In addition, \$105,000,000, to be derived from the
 10 Violent Crime Reduction Trust Fund, for carrying out sec-
 11 tions 40155, 40211 and 40241 of Public Law 103–322.

12 Funds appropriated for fiscal year 1999 under sec-
 13 tion 429A(e), part B of title IV of the Social Security Act
 14 shall be reduced by \$6,000,000.

15 Funds appropriated for fiscal year 1999 under sec-
 16 tion 413(h)(1) of the Social Security Act shall be reduced
 17 by \$15,000,000.

18 FAMILY PRESERVATION AND SUPPORT

19 For carrying out section 430 of the Social Security
 20 Act, \$275,000,000.

21 PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION

22 ASSISTANCE

23 For making payments to States or other non-Federal
 24 entities under title IV–E of the Social Security Act,
 25 \$3,764,900,000.

1 For making payments to States or other non-Federal
2 entities under title IV–E of the Social Security Act, for
3 the first quarter of fiscal year 2000, \$1,355,000,000.

4 ADMINISTRATION ON AGING

5 AGING SERVICES PROGRAMS

6 For carrying out, to the extent not otherwise pro-
7 vided, the Older Americans Act of 1965, as amended, and
8 sections 398, 399 and 339A of the Public Health Service
9 Act, \$861,020,000: *Provided*, That notwithstanding sec-
10 tion 308(b)(1) of the Older Americans Act of 1965, as
11 amended, the amounts available to each State for adminis-
12 tration of the State plan under title III of such Act shall
13 be reduced not more than 5 percent below the amount that
14 was available to such State for such purpose for fiscal year
15 1995: *Provided further*, That in considering grant applica-
16 tions for nutrition services for elder Indian recipients, the
17 Assistant Secretary shall provide maximum flexibility to
18 applicants who seek to take into account subsistence, local
19 customs, and other characteristics that are appropriate to
20 the unique cultural, regional, and geographic needs of the
21 American Indian, Alaska and Hawaiian Native commu-
22 nities to be served.

1 OFFICE OF THE SECRETARY

2 GENERAL DEPARTMENTAL MANAGEMENT

3 For necessary expenses, not otherwise provided, for
4 general departmental management, including hire of six
5 sedans, and for carrying out titles III, XVII, and XX of
6 the Public Health Service Act, \$166,662,000, together
7 with \$5,851,000, to be transferred and expended as au-
8 thorized by section 201(g)(1) of the Social Security Act
9 from the Hospital Insurance Trust Fund and the Supple-
10 mental Medical Insurance Trust Fund: *Provided*, That
11 \$890,000 shall be for a contract with the National Acad-
12 emy of Sciences to conduct a study of all the available
13 scientific literature examining the cause-and-effect rela-
14 tionship between repetitive tasks in the workplace and
15 musculoskeletal disorders: *Provided further*, That said con-
16 tract shall be awarded not later than January 1, 1999.

17 OFFICE OF INSPECTOR GENERAL

18 For expenses necessary for the Office of Inspector
19 General in carrying out the provisions of the Inspector
20 General Act of 1978, as amended, \$29,000,000.

21 OFFICE FOR CIVIL RIGHTS

22 For expenses necessary for the Office for Civil
23 Rights, \$17,345,000, together with not to exceed
24 \$3,314,000, to be transferred and expended as authorized
25 by section 201(g)(1) of the Social Security Act from the

1 Hospital Insurance Trust Fund and the Supplemental
2 Medical Insurance Trust Fund.

3 POLICY RESEARCH

4 For carrying out, to the extent not otherwise pro-
5 vided, research studies under section 1110 of the Social
6 Security Act, \$14,000,000.

7 GENERAL PROVISIONS

8 SEC. 201. Funds appropriated in this title shall be
9 available for not to exceed \$37,000 for official reception
10 and representation expenses when specifically approved by
11 the Secretary.

12 SEC. 202. The Secretary shall make available through
13 assignment not more than 60 employees of the Public
14 Health Service to assist in child survival activities and to
15 work in AIDS programs through and with funds provided
16 by the Agency for International Development, the United
17 Nations International Children's Emergency Fund or the
18 World Health Organization.

19 SEC. 203. None of the funds appropriated under this
20 Act may be used to implement section 399L(b) of the Pub-
21 lic Health Service Act or section 1503 of the National In-
22 stitutes of Health Revitalization Act of 1993, Public Law
23 103-43.

24 SEC. 204. None of the funds appropriated in this Act
25 for the National Institutes of Health and the Substance
26 Abuse and Mental Health Services Administration shall

1 be used to pay the salary of an individual, through a grant
2 or other extramural mechanism, at a rate in excess of
3 \$125,000 per year.

4 SEC. 205. None of the funds appropriated in this Act
5 may be expended pursuant to section 241 of the Public
6 Health Service Act, except for funds specifically provided
7 for in this Act, or for other taps and assessments made
8 by any office located in the Department of Health and
9 Human Services, prior to the Secretary's preparation and
10 submission of a report to the Committee on Appropria-
11 tions of the Senate and of the House detailing the planned
12 uses of such funds.

13 SEC. 206. None of the funds appropriated in this Act
14 may be obligated or expended for the Federal Council on
15 Aging under the Older Americans Act or the Advisory
16 Board on Child Abuse and Neglect under the Child Abuse
17 Prevention and Treatment Act.

18 (TRANSFER OF FUNDS)

19 SEC. 207. Not to exceed 1 percent of any discre-
20 tionary funds (pursuant to the Balanced Budget and
21 Emergency Deficit Control Act, as amended) which are
22 appropriated for the current fiscal year for the Depart-
23 ment of Health and Human Services in this Act may be
24 transferred between appropriations, but no such appro-
25 priation shall be increased by more than 3 percent by any
26 such transfer: *Provided*, That the Appropriations Commit-

tees of both Houses of Congress are notified at least fifteen days in advance of any transfer.

SEC. 208. The Director of the National Institutes of Health, jointly with the Director of the Office of AIDS Research, may transfer up to 3 percent among institutes, centers, and divisions from the total amounts identified by these two Directors as funding for research pertaining to the human immunodeficiency virus: *Provided*, That the Congress is promptly notified of the transfer.

SEC. 209. Of the amounts made available in this Act for the National Institutes of Health, the amount for research related to the human immunodeficiency virus, as jointly determined by the Director of NIH and the Director of the Office of AIDS Research, shall be made available to the “Office of AIDS Research” account. The Director of the Office of AIDS Research shall transfer from such account amounts necessary to carry out section 2353(d)(3) of the Public Health Service Act.

SEC. 210. Funds appropriated in this Act for the National Institutes of Health may be used to provide transit subsidies in amounts consistent with the transportation subsidy programs authorized under section 629 of Public Law 101–509 to non-FTE bearing positions including trainees, visiting fellows and volunteers.

1 SEC. 211. None of the funds appropriated in this Act
2 may be made available to any entity under title X of the
3 Public Health Service Act unless the applicant for the
4 award certifies to the Secretary that it encourages family
5 participation in the decision of minors to seek family plan-
6 ning services and that it provides counseling to minors on
7 how to resist attempts to coerce minors into engaging in
8 sexual activities.

9 SEC. 212. Subsection (b)(1)(H) of section 401 of the
10 Public Health Service Act (42 U.S.C. 281 (b)(1)(H)) is
11 amended by striking “National Institute of Dental Re-
12 search” and inserting “National Institute of Dental and
13 Craniofacial Research”.

14 SEC. 213. Notwithstanding any other provision of
15 law, the Department of Health and Human Services shall
16 permit the submission of public comments until September
17 30, 1999, on the final rule entitled “Organ Procurement
18 and Transplantation Network” published by the Depart-
19 ment in the Federal Register on April 2, 1998 (63 Fed.
20 Reg. 16295 et seq.), and such rule shall not become effec-
21 tive before November 1, 1999.

22 SEC. 214. None of the funds made available in this
23 Act may be used to implement or enforce the provisions
24 described in section 482.110(c) or section 482.120(a)(8)
25 of part 482 of title 42, Code of Federal Regulations, as

1 contained in the proposed rule issued on December 19,
2 1997 (62 FR 66726).

3 SEC. 215. (a) Section 2003(c) of the Social Security
4 Act (42 U.S.C. 1397b(c)) is amended by striking para-
5 graph (8) and inserting the following:

6 “(8) \$2,299,000,000 for the fiscal year 1998;”.

7 (b) The amendment made by this section takes effect
8 immediately after the amendments made by section 8401
9 of the Transportation Equity Act for the 21st Century
10 take effect.

11 SEC. 216. The Consolidated Laboratory Building
12 (Building 50) at the National Institutes of Health is here-
13 by named the Louis Stokes Laboratories.

14 SEC. 217. None of the funds appropriated by this Act
15 (including funds appropriated to any trust fund) may be
16 used to carry out the Medicare+Choice program if the
17 Secretary denies participation in such program to an oth-
18 erwise eligible entity (including a Provider Sponsored Or-
19 ganization) because the entity informs the Secretary that
20 it will not provide, pay for, provide coverage of, or provide
21 referrals for abortions: *Provided*, That the Secretary shall
22 make appropriate prospective adjustments to the capita-
23 tion payment to such an entity (based on an actuarially
24 sound estimate of the expected costs of providing the serv-
25 ice to such entity’s enrollees): *Provided further*, That noth-

1 ing in this section shall be construed to change the Medi-
2 care program's coverage for such services and a
3 Medicare+Choice organization described in this section
4 shall be responsible for informing enrollees where to obtain
5 information about all Medicare covered services.

6 SEC. 218. (a) LIMITATION ON USE OF FUNDS FOR
7 VIAGRA.—Except for postsurgical treatment, none of the
8 funds appropriated in this Act shall be expended by the
9 Health Care Financing Administration to reimburse
10 States for Viagra under section 1927 of the Social Secu-
11 rity Act.

12 (b) USE OF FUNDS FOR CHILDREN'S MENTAL
13 HEALTH SERVICES.—Of the amount of the reduction in
14 budget authority and outlays resulting from the limitation
15 in subsection (a), as estimated by the Office of Manage-
16 ment and Budget and scored by the Congressional Budget
17 Office, up to \$100,000,000 shall be available for children's
18 mental health services under title V of the Public Health
19 Service Act to enhance services for children with emotional
20 and behavioral disorders who are at risk of violent behav-
21 ior.

22 SEC. 219. No funds made available in this Act may
23 be used to take any administrative action against States
24 that do not cover Viagra or any other drug or device under

1 section 1927 of the Social Security Act for the treatment
2 of erectile dysfunction.

3 SEC. 220. (a) Notwithstanding any other provision
4 of law, no provider of services under title X of the Public
5 Health Service Act shall be exempt from any State law
6 requiring notification or the reporting of child abuse, child
7 molestation, sexual abuse, rape, or incest.

8 (b) None of the funds appropriated in this or any
9 other Act for any fiscal year for carrying out title X of
10 the Public Health Service Act may be made available to
11 any family planning project under section 1001 of such
12 title if any provider of services in the project knowingly
13 provides contraceptive drugs or devices to a minor, un-
14 less—

15 (1) the minor is emancipated under applicable
16 State law;

17 (2) the minor has the written consent of a cus-
18 todial parent or custodial legal guardian to receive
19 the drugs or devices;

20 (3) a court of competent jurisdiction has di-
21 rected that the minor may receive the drugs or de-
22 vices; or

23 (4) such provider of services has given actual
24 written notice to a custodial parent or custodial legal
25 guardian of the minor, notifying the parent or legal

1 guardian of the intent to provide the drugs or de-
2 vices, at least five business days before providing the
3 drugs or devices.

4 (c) Each provider of services under title X of the Pub-
5 lic Health Service Act shall each year certify to the Sec-
6 retary of Health and Human Services compliance with this
7 section. Such Secretary shall prescribe such regulations as
8 may be necessary to effectuate this section.

9 This title may be cited as the “Department of Health
10 and Human Services Appropriations Act, 1999”.

11 TITLE III—DEPARTMENT OF EDUCATION

12 EDUCATION REFORM

13 For carrying out activities authorized by titles III
14 and IV of the Goals 2000: Educate America Act, the
15 School-to-Work Opportunities Act, and sections 3132,
16 3136, and 3141 of title III of the Elementary and Second-
17 ary Education Act of 1965, \$861,500,000, of which
18 \$219,000,000 for the Goals 2000: Educate America Act
19 and \$75,000,000 for the School-to-Work Opportunities
20 Act shall become available on July 1, 1999 and remain
21 available through September 30, 2000: *Provided*, That
22 none of the funds appropriated under this heading shall
23 be obligated or expended to carry out section 304(a)(2)(A)
24 of the Goals 2000: Educate America Act, except that no
25 more than \$1,500,000 may be used to carry out activities

1 under section 314(a)(2) of that Act: *Provided further*,
 2 That section 315(a)(2) of the Goals 2000 Act shall not
 3 apply: *Provided further*, That up to one-half of 1 percent
 4 of the amount available under section 3132 shall be set
 5 aside for the outlying areas, to be distributed on the basis
 6 of their relative need as determined by the Secretary in
 7 accordance with the purposes of the program: *Provided*
 8 *further*, That if any State educational agency does not
 9 apply for a grant under section 3132, that State's allot-
 10 ment under section 3131 shall be reserved by the Sec-
 11 retary for grants to local educational agencies in that
 12 State that apply directly to the Secretary according to the
 13 terms and conditions published by the Secretary in the
 14 Federal Register.

15 EDUCATION FOR THE DISADVANTAGED

16 For carrying out title I of the Elementary and Sec-
 17 ondary Education Act of 1965, and section 418A of the
 18 Higher Education Act, \$8,056,132,000, of which
 19 \$6,583,346,000 shall become available on July 1, 1999,
 20 and shall remain available through September 30, 2000,
 21 and of which \$1,448,386,000 shall become available on
 22 October 1, 1999 and shall remain available through Sep-
 23 tember 30, 2000, for academic year 1999–2000: *Provided*,
 24 That \$5,949,980,000 shall be available for basic grants
 25 under section 1124: *Provided further*, That up to
 26 \$3,500,000 of these funds shall be available to the Sec-

1 retary on October 1, 1998, to obtain updated local-edu-
2 cational-agency-level census poverty data from the Bureau
3 of the Census: *Provided further*, That \$1,125,252,000
4 shall be available for concentration grants under section
5 1124A, \$300,000,000 shall be available for targeted
6 grants under section 1125, \$8,900,000 shall be available
7 for evaluations under section 1501 and not more than
8 \$8,500,000 shall be reserved for section 1308, of which
9 not more than \$3,000,000 shall be reserved for section
10 1308(d): *Provided further*, That \$120,000,000 shall be
11 available under section 1002(g)(2) to demonstrate effec-
12 tive approaches to comprehensive school reform to be allo-
13 cated and expended in accordance with the instructions
14 relating to this activity in the statement of the managers
15 on the conference report accompanying Public Law 105–
16 78: *Provided further*, That in carrying out this initiative,
17 the Secretary and the States shall support only ap-
18 proaches that show the most promise of enabling children
19 served by title I to meet challenging State content stand-
20 ards and challenging State student performance standards
21 based on reliable research and effective practices, and in-
22 clude an emphasis on basic academics and parental in-
23 volvement: *Provided further*, That no funds appropriated
24 under section 1002(g)(2) shall be available for section
25 1503.

IMPACT AID

1
2 For carrying out programs of financial assistance to
3 Federally affected schools authorized by title VIII of the
4 Elementary and Secondary Education Act of 1965,
5 \$848,000,000, of which \$704,000,000 shall be for basic
6 support payments under section 8003(b), \$50,000,000
7 shall be for payments for children with disabilities under
8 section 8003(d), \$70,000,000, to remain available until
9 expended, shall be for payments under section 8003(f),
10 and \$24,000,000 shall be for Federal property payments
11 under section 8002.

SCHOOL IMPROVEMENT PROGRAMS

12
13 For carrying out school improvement activities au-
14 thorized by titles II, IV, V–A and B, VI, X, and XIII of
15 the Elementary and Secondary Education Act of 1965; the
16 Stewart B. McKinney Homeless Assistance Act; and the
17 Civil Rights Act of 1964; \$1,542,334,000, of which
18 \$1,247,500,000 shall become available on July 1, 1999,
19 and remain available through September 30, 2000: *Pro-*
20 *vided*, That of the amount appropriated, \$285,000,000
21 shall be for Eisenhower professional development State
22 grants under title II–B of the Elementary and Secondary
23 Education Act of 1965, and \$400,000,000 shall be for in-
24 novative education program strategies State grants under
25 title VI–A of said Act.

1 INDIAN EDUCATION

2 For expenses necessary to carry out, to the extent
3 not otherwise provided, title IX, part A of the Elementary
4 and Secondary Education Act of 1965, as amended,
5 \$66,000,000.

6 BILINGUAL AND IMMIGRANT EDUCATION

7 For carrying out, to the extent not otherwise pro-
8 vided, bilingual, foreign language and immigrant edu-
9 cation activities authorized by parts A and C and section
10 7203 of title VII of the Elementary and Secondary Edu-
11 cation Act of 1965, without regard to section 7103(b),
12 \$354,000,000: *Provided*, That State educational agencies
13 may use all, or any part of, their part C allocation for
14 competitive grants to local educational agencies.

15 SPECIAL EDUCATION

16 For carrying out the Individuals with Disabilities
17 Education Act, \$5,104,146,000, of which \$4,859,885,000
18 shall become available for obligation on July 1, 1999, and
19 shall remain available through September 30, 2000.

20 REHABILITATION SERVICES AND DISABILITY RESEARCH

21 For carrying out, to the extent not otherwise pro-
22 vided, the Rehabilitation Act of 1973, the Technology-Re-
23 lated Assistance for Individuals with Disabilities Act, and
24 the Helen Keller National Center Act, as amended,
25 \$2,646,640,000.

1 SPECIAL INSTITUTIONS FOR PERSONS WITH
2 DISABILITIES
3 AMERICAN PRINTING HOUSE FOR THE BLIND

4 For carrying out the Act of March 3, 1879, as
5 amended (20 U.S.C. 101 et seq.), \$8,661,000.

6 NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

7 For the National Technical Institute for the Deaf
8 under titles I and II of the Education of the Deaf Act
9 of 1986 (20 U.S.C. 4301 et seq.), \$44,791,000: *Provided*,
10 That from the amount available, the Institute may at its
11 discretion use funds for the endowment program as au-
12 thorized under section 207.

13 GALLAUDET UNIVERSITY

14 For the Kendall Demonstration Elementary School,
15 the Model Secondary School for the Deaf, and the partial
16 support of Gallaudet University under titles I and II of
17 the Education of the Deaf Act of 1986 (20 U.S.C. 4301
18 et seq.), \$83,480,000: *Provided*, That from the amount
19 available, the University may at its discretion use funds
20 for the endowment program as authorized under section
21 207.

22 VOCATIONAL AND ADULT EDUCATION

23 For carrying out, to the extent not otherwise pro-
24 vided, the Carl D. Perkins Vocational and Applied Tech-
25 nology Education Act and the Adult Education Act,
26 \$1,532,247,000, of which \$1,528,147,000 shall become

1 available on July 1, 1999 and shall remain available
2 through September 30, 2000; and of which \$6,000,000
3 from amounts available under the Adult Education Act
4 shall be for the National Institute for Literacy under sec-
5 tion 384(c): *Provided*, That, of the amounts made avail-
6 able for title II of the Carl D. Perkins Vocational and Ap-
7 plied Technology Education Act, \$13,497,000 shall be
8 used by the Secretary for national programs under title
9 IV, without regard to section 451: *Provided further*, That
10 the Secretary may reserve up to \$7,000,000 under section
11 313(d) of the Adult Education Act for activities carried
12 out under section 383 of that Act: *Provided further*, That
13 no funds shall be awarded to a State Council under section
14 112(f) of the Carl D. Perkins Vocational and Applied
15 Technology Education Act, and no State shall be required
16 to operate such a Council.

17 STUDENT FINANCIAL ASSISTANCE

18 For carrying out subparts 1 and 3 of part A, part
19 C and part E of title IV of the Higher Education Act of
20 1965, as amended, \$9,672,654,000, which shall remain
21 available through September 30, 2000.

22 The maximum Pell Grant for which a student shall
23 be eligible during award year 1999–2000 shall be \$3,150:
24 *Provided*, That notwithstanding section 401(g) of the Act,
25 if the Secretary determines, prior to publication of the
26 payment schedule for such award year, that the amount

1 included within this appropriation for Pell Grant awards
2 in such award year, and any funds available from the fis-
3 cal year 1998 appropriation for Pell Grant awards, are
4 insufficient to satisfy fully all such awards for which stu-
5 dents are eligible, as calculated under section 401(b) of
6 the Act, the amount paid for each such award shall be
7 reduced by either a fixed or variable percentage, or by a
8 fixed dollar amount, as determined in accordance with a
9 schedule of reductions established by the Secretary for this
10 purpose: *Provided further*, That if the Secretary deter-
11 mines that the funds available to fund Pell Grants for
12 award year 1999–2000 exceed the amount needed to fund
13 Pell Grants at a maximum award of \$3,150 for that award
14 year, the Secretary may increase the income protection al-
15 lowances in sections 475(g)(2)(D), and
16 476(b)(1)(A)(iv)(I), (II) and (III) up to the amounts at
17 which Pell Grant awards calculated using the increased
18 income protection allowances equal the funds available to
19 make Pell Grants in award year 1999–2000 with a \$3,150
20 maximum award, except that the income protection allow-
21 ance in section 475(g)(2)(D) may not exceed \$2,200, the
22 income protection allowance in sections
23 476(b)(1)(A)(iv)(I) and (II) may not exceed \$4,250, and
24 the income protection allowance in section
25 476(b)(1)(A)(iv)(III) may not exceed \$7,250.

1 FEDERAL FAMILY EDUCATION LOAN PROGRAM ACCOUNT

2 For Federal administrative expenses to carry out
3 guaranteed student loans authorized by title IV, part B,
4 of the Higher Education Act, as amended, \$48,482,000.

5 HIGHER EDUCATION

6 For carrying out, to the extent not otherwise pro-
7 vided, parts A and B of title III, without regard to section
8 360(a)(1)(B)(ii), titles IV, V, VI, VII, and part A and sub-
9 part 1 of part B of title X of the Higher Education Act
10 of 1965, as amended, and the Mutual Educational and
11 Cultural Exchange Act of 1961; \$944,198,000, of which
12 \$13,000,000 for interest subsidies under title VII of the
13 Higher Education Act shall remain available until ex-
14 pended.

15 HOWARD UNIVERSITY

16 For partial support of Howard University (20 U.S.C.
17 121 et seq.), \$214,489,000: *Provided*, That from the
18 amount available, the University may at its discretion use
19 funds for the endowment program as authorized under the
20 Howard University Endowment Act (Public Law 98-480).

21 COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS

22 PROGRAM

23 For Federal administrative expenses to carry out ac-
24 tivities related to facility loans entered into under title VII,
25 part C and section 702 of the Higher Education Act, as
26 amended, \$698,000.

1 HISTORICALLY BLACK COLLEGE AND UNIVERSITY
2 CAPITAL FINANCING, PROGRAM ACCOUNT

3 The total amount of bonds insured pursuant to sec-
4 tion 724 of title VII, part B of the Higher Education Act
5 shall not exceed \$357,000,000, and the cost, as defined
6 in section 502 of the Congressional Budget Act of 1974,
7 of such bonds shall not exceed zero.

8 For administrative expenses to carry out the Histori-
9 cally Black College and University Capital Financing Pro-
10 gram entered into pursuant to title VII, part B of the
11 Higher Education Act, as amended, \$196,000.

12 EDUCATION RESEARCH, STATISTICS, AND IMPROVEMENT

13 For carrying out activities authorized by the Edu-
14 cational Research, Development, Dissemination, and Im-
15 provement Act of 1994, including part E; the National
16 Education Statistics Act of 1994; section 2102 of title II,
17 and parts A, B, I, and K and section 10601 of title X,
18 and part C of title XIII of the Elementary and Secondary
19 Education Act of 1965, as amended, and title VI of
20 Public Law 103–227, \$447,667,000: *Provided*, That
21 \$25,000,000 shall be available to demonstrate effective ap-
22 proaches to comprehensive school reform to be allocated
23 and expended in accordance with the instructions relating
24 to this activity in the statement of managers on the con-
25 ference report accompanying Public Law 105–78: *Pro-*
26 *vided further*, That the funds made available for com-

1 prehensive school reform shall become available on July
2 1, 1999, and remain available through September 30,
3 2000, and in carrying out this initiative, the Secretary and
4 the States shall support only approaches that show the
5 most promise of enabling children to meet challenging
6 State content standards and challenging State student
7 performance standards based on reliable research and ef-
8 fective practices, and include an emphasis on basic aca-
9 demics and parental involvement.

10 DEPARTMENTAL MANAGEMENT

11 PROGRAM ADMINISTRATION

12 For carrying out, to the extent not otherwise pro-
13 vided, the Department of Education Organization Act, in-
14 cluding rental of conference rooms in the District of Co-
15 lumbia and hire of two passenger motor vehicles,
16 \$362,000,000.

17 OFFICE FOR CIVIL RIGHTS

18 For expenses necessary for the Office for Civil
19 Rights, as authorized by section 203 of the Department
20 of Education Organization Act, \$61,500,000.

21 OFFICE OF INSPECTOR GENERAL

22 For expenses necessary for the Office of Inspector
23 General, as authorized by section 212 of the Department
24 of Education Organization Act, \$30,242,000.

1 GENERAL PROVISIONS

2 SEC. 301. No funds appropriated in this Act may be
3 used for the transportation of students or teachers (or for
4 the purchase of equipment for such transportation) in
5 order to overcome racial imbalance in any school or school
6 system, or for the transportation of students or teachers
7 (or for the purchase of equipment for such transportation)
8 in order to carry out a plan of racial desegregation of any
9 school or school system.

10 SEC. 302. None of the funds contained in this Act
11 shall be used to require, directly or indirectly, the trans-
12 portation of any student to a school other than the school
13 which is nearest the student's home, except for a student
14 requiring special education, to the school offering such
15 special education, in order to comply with title VI of the
16 Civil Rights Act of 1964. For the purpose of this section
17 an indirect requirement of transportation of students in-
18 cludes the transportation of students to carry out a plan
19 involving the reorganization of the grade structure of
20 schools, the pairing of schools, or the clustering of schools,
21 or any combination of grade restructuring, pairing or clus-
22 tering. The prohibition described in this section does not
23 include the establishment of magnet schools.

5 SEC. 304. Not to exceed 1 percent of any discre-
6 tionary funds (pursuant to the Balanced Budget and
7 Emergency Deficit Control Act, as amended) which are
8 appropriated for the Department of Education in this Act
9 may be transferred between appropriations, but no such
10 appropriation shall be increased by more than 3 percent
11 by any such transfer: *Provided*, That the Appropriations
12 Committees of both Houses of Congress are notified at
13 least fifteen days in advance of any transfer.

SEC. 305. Part C of the General Education Provi-
sions Act (20 U.S.C. 1231 et seq.) is amended by adding
at the end the following:

“(a) GENERAL PROHIBITION.—Notwithstanding any other provision of Federal law, funds provided to the Department of Education or to an applicable program, may not be used to develop, plan, implement (including pilot testing or field testing), or administer any federally sponsored national test in reading, mathematics, or any other subject that is not specifically and explicitly provided for in authorizing legislation enacted into law.

1 “(b) EXCEPTIONS.—Subsection (a) shall not apply to
2 the Third International Mathematics and Science Study
3 or other international comparative assessments developed
4 under the authority of section 404(a)(6) of the National
5 Education Statistics Act of 1994 (20 U.S.C. 9003(a)(6)
6 et seq.), and administered to only a representative sample
7 of pupils in the United States and in foreign nations.”.

8 SEC. 306. Notwithstanding any other provision of
9 law, any institution of higher education which receives
10 funds under title III of the Higher Education Act, except
11 for grants made under section 326, may use up to 20 per-
12 cent of its award under part A or part B of the Act for
13 endowment building purposes authorized under section
14 331. Any institution seeking to use part A or part B funds
15 for endowment building purposes shall indicate such inten-
16 tion in its application to the Secretary and shall abide by
17 departmental regulations governing the endowment chal-
18 lenge grant program.

19 SEC. 307. None of the funds made available in this
20 Act may be used to enforce the requirements of section
21 428(b)(1)(U)(iii) of the Higher Education Act of 1965
22 with respect to any lender when it is made known to the
23 Federal official having authority to obligate or expend
24 such funds that the lender has a loan portfolio under part

1 B of title IV of such Act that is equal to or less than
2 \$5,000,000.

3 SEC. 308. (a) STATE FUNDS FOR INNOVATIVE PRO-
4 GRAMS.—Notwithstanding any other provision of law, a
5 State may, upon notice to the Secretary, use some or all
6 of the funds made available to the State for fiscal year
7 1999 under title III of the Goals 2000: Educate America
8 Act (20 U.S.C. 5881 et seq.) and part B of title II of
9 the Elementary and Secondary Education Act of 1965 (20
10 U.S.C. 6641 et seq.) as if made available under title VI
11 of the Elementary and Secondary Education Act of 1965.

12 (b) LOCAL FUNDS FOR INNOVATIVE PROGRAMS.—
13 Notwithstanding any other provision of law, a local edu-
14 cational agency described in section 304(e) of the Goals
15 2000: Educate America Act (20 U.S.C. 5881 et seq.) may,
16 upon notice to the Secretary, use some or all of the funds
17 made available to it under title III of such Act for fiscal
18 year 1999 as if made available under title VI of the Ele-
19 mentary and Secondary Education Act of 1965.

20 SEC. 309. Section 615(k)(1)(A)(ii) of the Individuals
21 with Disabilities Education Act (20 U.S.C.
22 1415(k)(1)(A)(ii)) is amended—

23 (1) in matter preceding subclause (I), by strik-
24 ing “, but for not more than 45 days”;

1 (2) in subclause (I), by striking “or” at the
2 end;

3 (3) in subclause (II), by striking the period at
4 the end and inserting “; or”; and

5 (4) by adding at the end the following:

6 “(III) the child intentionally ex-
7 hibits violent behavior that has re-
8 sulted in, or could have resulted in,
9 physical injury to the child or to oth-
10 ers while at school or at a school func-
11 tion under the jurisdiction of a State
12 or local agency.”.

13 SEC. 310. Section 616(c) of the Individuals with Dis-
14 abilities Education Act (20 U.S.C. 1416(c)) is amended—

15 (1) by striking “For purposes of this section”
16 and inserting “(1) Notwithstanding subsections (a)
17 and (b)”;

18 (2) by striking “the Secretary, in instances”
19 and all that follows and inserting the following: “the
20 Secretary, in instances where the Secretary finds
21 that the failure to comply substantially with the pro-
22 visions of this part are related to a failure by the
23 public agency during a fiscal year to provide special
24 education and related services to individuals who are
25 18 years of age or older, and the Secretary decides

1 to take corrective action to ensure compliance with
2 this part, may take only the following such correc-
3 tive action (and such corrective action may only be
4 taken with respect to payments for that fiscal year):

5 “(A) Reduce or withhold payments to the
6 State in an amount that is proportionate to the
7 total funds allotted under section 611 to the
8 State as the number of such individuals who
9 are 18 years of age or older is proportionate to
10 the number of eligible individuals with disabil-
11 ities in the State under the supervision of the
12 State educational agency.

13 “(B) Ensure that any withholding of funds
14 under paragraph (1) shall be limited to the spe-
15 cific agency responsible for the failure to com-
16 ply with this part.

17 “(2) Upon reduction or withholding of pay-
18 ments to a State for a fiscal year under paragraph
19 (1)—

20 “(A) with respect to children with disabil-
21 ities who are convicted as adults under State
22 law and incarcerated in adult prisons, the State
23 shall be deemed to be in compliance with this
24 part for that fiscal year; and

1 “(B) no additional corrective action may
2 be taken against the State with respect to the
3 failure by the public agency described in para-
4 graph (1).

5 “(3) For purposes of paragraph (1)(A), the
6 number of eligible children with disabilities in adult
7 prisons under the supervision of the other public
8 agency and the number of eligible individuals with
9 disabilities in the State under the supervision of the
10 State educational agency shall be determined by the
11 Secretary on the basis of the most recent satisfac-
12 tory data available to the Secretary.”.

13 SEC. 311. The Elementary and Secondary Education
14 Act of 1965 is amended—

15 (1) in section 7116(i)—

16 (A) by striking paragraphs (1) through
17 (3); and

18 (B) by redesignating paragraphs (4) and
19 (5) as (1) and (2), respectively;

20 (2) in section 7120—

21 (A) by redesignating paragraphs (2) and
22 (3) as (4) and (5), respectively; and

23 (B) by inserting after paragraph (1) the
24 following:

1 “(2) assists students enrolled in the program or
2 activity to move into a classroom where instruction
3 is not tailored for students of limited English pro-
4 ficiency—

5 “(A) by the end of the first grade, in the
6 case of students enrolling when they are in kin-
7 dergarten; or

8 “(B) by the end of their second academic
9 year of enrollment, in the case of other stu-
10 dents;

11 “(3) demonstrates that students of limited
12 English proficiency meet the same challenging State
13 content standards and challenging student perform-
14 ance standards during and after the period in which
15 students are enrolled in a bilingual education pro-
16 gram or a special alternative instructional program
17 expected for all children and youth as required by
18 section 1111(b);”;

19 (3) in subpart 1, by adding at the end the fol-
20 lowing new sections:

21 **“SEC. 7125. MAXIMUM ENROLLMENT PERIOD.**

22 “(a) LIMITATION.—Except as provided in this sec-
23 tion, no student may be enrolled in a bilingual education
24 program or a special alternative instructional program

1 under this subpart for a period of more than 2 years, ex-
2 cept where the school in which the student is enrolled—

3 “(1) conducts a comprehensive evaluation of the
4 overall academic progress of the student; and

5 “(2) the results of the evaluation indicate that
6 lack of English proficiency is impeding the academic
7 progress of the student in meeting grade promotion
8 and graduation standards and, in the case of a child
9 with a disability, attainment of the objective in the
10 child’s individualized education program under the
11 Individuals with Disabilities Education Act (20
12 U.S.C. 1400 et seq.).

13 Any student with respect to whom the requirements of this
14 subsection are met may remain in the program for a third
15 year, except as provided in subsection (b)(2).

16 “(b) EVALUATION.—

17 “(1) IN GENERAL.—The evaluation required by
18 subsection (a) shall involve teachers and school per-
19 sonnel familiar with the student’s overall academic
20 progress. The results of such an evaluation shall be
21 made available to the parents of the student.

22 “(2) SCHEDULE.—An evaluation shall be car-
23 ried out at the end of the third year the student is
24 in the program described in subsection (a) if the stu-
25 dent is to continue in the program for a fourth year

1 and shall be conducted in accordance with paragraph
2 (1).

3 “(3) LANGUAGE DEVELOPMENT.—Each evalua-
4 tion shall indicate how the student’s English lan-
5 guage development will be addressed during the pe-
6 riod a student is retained in the program. The stu-
7 dent’s academic program during that period shall
8 emphasize mastery of English.

9 “(c) FINAL EXTENSION.—No student shall remain in
10 a bilingual education program or special alternative in-
11 structional program described in subsection (a) for more
12 than 4 years.

13 **“SEC. 7126. ANNUAL REPORT.**

14 “(a) IN GENERAL.—The Secretary shall submit a re-
15 port each year, beginning in fiscal year 2001, to the Com-
16 mittees on Appropriations and Education and the Work-
17 force of the House of Representatives and the Committees
18 on Appropriations and Labor and Human Resources of
19 the Senate in accordance with subsection (b).

20 “(b) CONTENTS.—

21 “(1) EFFECTIVENESS OF PROGRAMS.—Such re-
22 port shall identify the 10 percent of eligible entities
23 receiving funds under this subpart that have been
24 the least successful in assisting students in attaining
25 English proficiency by the end of their second aca-

1 demic year of enrollment in a bilingual education
2 program or special alternative instructional program.

3 “(2) CONTINUANCE.—Such report shall also ex-
4 plain if and why funding will be continued for a pro-
5 gram described under paragraph (1).”; and

6 (4) in section 7501(15)—

7 (A) by striking subparagraph (C);

8 (B) by inserting “and” at the end of sub-
9 paragraph (A); and

10 (C) by striking “; and” at the end of sub-
11 paragraph (B) and inserting a period.

12 This title may be cited as the “Department of Edu-
13 cation Appropriations Act, 1999”.

14 TITLE IV—RELATED AGENCIES

15 ARMED FORCES RETIREMENT HOME

16 For expenses necessary for the Armed Forces Retire-
17 ment Home to operate and maintain the United States
18 Soldiers’ and Airmen’s Home and the United States Naval
19 Home, to be paid from funds available in the Armed
20 Forces Retirement Home Trust Fund, \$70,745,000, of
21 which \$15,717,000 shall be for construction and renova-
22 tion of the physical plants at the United States Soldiers’
23 and Airmen’s Home and the United States Naval Home.

1 CORPORATION FOR NATIONAL AND COMMUNITY SERVICE
2 DOMESTIC VOLUNTEER SERVICE PROGRAMS, OPERATING
3 EXPENSES

4 For expenses necessary for the Corporation for Na-
5 tional and Community Service to carry out the provisions
6 of the Domestic Volunteer Service Act of 1973, as amend-
7 ed, \$251,369,000.

8 CORPORATION FOR PUBLIC BROADCASTING

9 For payment to the Corporation for Public Broad-
10 casting, as authorized by the Communications Act of
11 1934, an amount which shall be available within limita-
12 tions specified by that Act, for the fiscal year 2001,
13 \$340,000,000: *Provided*, That no funds made available to
14 the Corporation for Public Broadcasting by this Act shall
15 be used to pay for receptions, parties, or similar forms
16 of entertainment for Government officials or employees:
17 *Provided further*, That none of the funds contained in this
18 paragraph shall be available or used to aid or support any
19 program or activity from which any person is excluded,
20 or is denied benefits, or is discriminated against, on the
21 basis of race, color, national origin, religion, or sex.

22 FEDERAL MEDIATION AND CONCILIATION SERVICE
23 SALARIES AND EXPENSES

24 For expenses necessary for the Federal Mediation
25 and Conciliation Service to carry out the functions vested

1 in it by the Labor Management Relations Act, 1947 (29
2 U.S.C. 171–180, 182–183), including hire of passenger
3 motor vehicles; for expenses necessary for the Labor-Man-
4 agement Cooperation Act of 1978 (29 U.S.C. 175a); and
5 for expenses necessary for the Service to carry out the
6 functions vested in it by the Civil Service Reform Act,
7 Public Law 95–454 (5 U.S.C. ch. 71), \$34,620,000, in-
8 cluding \$1,500,000, to remain available through Septem-
9 ber 30, 2000, for activities authorized by the Labor-Man-
10 agement Cooperation Act of 1978 (29 U.S.C. 175a): *Pro-*
11 *vided*, That notwithstanding 31 U.S.C. 3302, fees
12 charged, up to full-cost recovery, for special training ac-
13 tivities and for arbitration services shall be credited to and
14 merged with this account, and shall remain available until
15 expended: *Provided further*, That fees for arbitration serv-
16 ices shall be available only for education, training, and
17 professional development of the agency workforce: *Pro-*
18 *vided further*, That the Director of the Service is author-
19 ized to accept on behalf of the United States gifts of serv-
20 ices and real, personal, or other property in the aid of any
21 projects or functions within the Director’s jurisdiction.

1 FEDERAL MINE SAFETY AND HEALTH REVIEW

2 COMMISSION

3 SALARIES AND EXPENSES

4 For expenses necessary for the Federal Mine Safety
5 and Health Review Commission (30 U.S.C. 801 et seq.),
6 \$6,060,000.

7 INSTITUTE OF MUSEUM AND LIBRARY SERVICES

8 For carrying out subtitle B of the Museum and Li-
9 brary Services Act, \$146,340,000.

10 MEDICARE PAYMENT ADVISORY COMMISSION

11 SALARIES AND EXPENSES

12 For expenses necessary to carry out section 1805 of
13 the Social Security Act, \$7,015,000, to be transferred to
14 this appropriation from the Federal Hospital Insurance
15 and the Federal Supplementary Medical Insurance Trust
16 Funds.

17 NATIONAL COMMISSION ON LIBRARIES AND

18 INFORMATION SCIENCE

19 SALARIES AND EXPENSES

20 For necessary expenses for the National Commission
21 on Libraries and Information Science, established by the
22 Act of July 20, 1970 (Public Law 91-345, as amended
23 by Public Law 102-95), \$1,000,000.

1 NATIONAL COUNCIL ON DISABILITY

2 SALARIES AND EXPENSES

3 For expenses necessary for the National Council on
4 Disability as authorized by title IV of the Rehabilitation
5 Act of 1973, as amended, \$2,344,000.

6 NATIONAL EDUCATION GOALS PANEL

7 For expenses necessary for the National Education
8 Goals Panel, as authorized by title II, part A of the Goals
9 2000: Educate America Act, \$2,100,000.

10 NATIONAL LABOR RELATIONS BOARD

11 SALARIES AND EXPENSES

12 For expenses necessary for the National Labor Rela-
13 tions Board to carry out the functions vested in it by the
14 Labor-Management Relations Act, 1947, as amended (29
15 U.S.C. 141–167), and other laws, \$174,661,000, of which
16 \$10,046,000 shall be available only for information tech-
17 nology: *Provided*, That no part of this appropriation shall
18 be available to organize or assist in organizing agricultural
19 laborers or used in connection with investigations, hear-
20 ings, directives, or orders concerning bargaining units
21 composed of agricultural laborers as referred to in section
22 2(3) of the Act of July 5, 1935 (29 U.S.C. 152), and as
23 amended by the Labor-Management Relations Act, 1947,
24 as amended, and as defined in section 3(f) of the Act of
25 June 25, 1938 (29 U.S.C. 203), and including in said defi-

1 nition employees engaged in the maintenance and oper-
2 ation of ditches, canals, reservoirs, and waterways when
3 maintained or operated on a mutual, nonprofit basis and
4 at least 95 percent of the water stored or supplied thereby
5 is used for farming purposes: *Provided further*, That none
6 of the funds made available by this Act shall be used in
7 any way to promulgate a final rule (altering 29 CFR part
8 103) regarding single location bargaining units in rep-
9 resentation cases.

10 NATIONAL MEDIATION BOARD

11 SALARIES AND EXPENSES

12 For expenses necessary to carry out the provisions
13 of the Railway Labor Act, as amended (45 U.S.C. 151–
14 188), including emergency boards appointed by the Presi-
15 dent, \$8,400,000: *Provided*, That unobligated balances at
16 the end of fiscal year 1999 not needed for emergency
17 boards shall remain available for other statutory purposes
18 through September 30, 2000.

19 OCCUPATIONAL SAFETY AND HEALTH REVIEW

20 COMMISSION

21 SALARIES AND EXPENSES

22 For expenses necessary for the Occupational Safety
23 and Health Review Commission (29 U.S.C. 661),
24 \$8,100,000.

1 RAILROAD RETIREMENT BOARD

2 DUAL BENEFITS PAYMENTS ACCOUNT

3 For payment to the Dual Benefits Payments Ac-
4 count, authorized under section 15(d) of the Railroad Re-
5 tirement Act of 1974, \$191,000,000, which shall include
6 amounts becoming available in fiscal year 1999 pursuant
7 to section 224(c)(1)(B) of Public Law 98–76; and in addi-
8 tion, an amount, not to exceed 2 percent of the amount
9 provided herein, shall be available proportional to the
10 amount by which the product of recipients and the average
11 benefit received exceeds \$191,000,000: *Provided*, That the
12 total amount provided herein shall be credited in 12 ap-
13 proximately equal amounts on the first day of each month
14 in the fiscal year.

15 FEDERAL PAYMENTS TO THE RAILROAD RETIREMENT

16 ACCOUNTS

17 For payment to the accounts established in the
18 Treasury for the payment of benefits under the Railroad
19 Retirement Act for interest earned on unnegotiated
20 checks, \$150,000, to remain available through September
21 30, 2000, which shall be the maximum amount available
22 for payment pursuant to section 417 of Public Law 98–
23 76.

24 LIMITATION ON ADMINISTRATION

25 For necessary expenses for the Railroad Retirement
26 Board for administration of the Railroad Retirement Act

1 and the Railroad Unemployment Insurance Act,
2 \$86,000,000, to be derived in such amounts as determined
3 by the Board from the railroad retirement accounts and
4 from moneys credited to the railroad unemployment insur-
5 ance administration fund.

6 LIMITATION ON THE OFFICE OF INSPECTOR GENERAL

7 For expenses necessary for the Office of Inspector
8 General for audit, investigatory and review activities, as
9 authorized by the Inspector General Act of 1978, as
10 amended, not more than \$5,400,000, to be derived from
11 the railroad retirement accounts and railroad unemploy-
12 ment insurance account: *Provided*, That none of the funds
13 made available in any other paragraph of this Act may
14 be transferred to the Office; used to carry out any such
15 transfer; used to provide any office space, equipment, of-
16 fice supplies, communications facilities or services, mainte-
17 nance services, or administrative services for the Office;
18 used to pay any salary, benefit, or award for any personnel
19 of the Office; used to pay any other operating expense of
20 the Office; or used to reimburse the Office for any service
21 provided, or expense incurred, by the Office: *Provided fur-*
22 *ther*, That none of the funds made available in this para-
23 graph may be used for any audit, investigation, or review
24 of the Medicare Program.

1 SOCIAL SECURITY ADMINISTRATION

2 PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

3 For payment to the Federal Old-Age and Survivors
4 Insurance and the Federal Disability Insurance trust
5 funds, as provided under sections 201(m), 228(g), and
6 1131(b)(2) of the Social Security Act, \$19,689,000.

7 SPECIAL BENEFITS FOR DISABLED COAL MINERS

8 For carrying out title IV of the Federal Mine Safety
9 and Health Act of 1977, \$382,803,000, to remain avail-
10 able until expended.

11 For making, after July 31 of the current fiscal year,
12 benefit payments to individuals under title IV of the Fed-
13 eral Mine Safety and Health Act of 1977, for costs in-
14 curred in the current fiscal year, such amounts as may
15 be necessary.

16 For making benefit payments under title IV of the
17 Federal Mine Safety and Health Act of 1977 for the first
18 quarter of fiscal year 2000, \$141,000,000, to remain
19 available until expended.

20 SUPPLEMENTAL SECURITY INCOME PROGRAM

21 For carrying out titles XI and XVI of the Social Se-
22 curity Act, section 401 of Public Law 92–603, section 212
23 of Public Law 93–66, as amended, and section 405 of
24 Public Law 95–216, including payment to the Social Secu-
25 rity trust funds for administrative expenses incurred pur-
26 suant to section 201(g)(1) of the Social Security Act,

1 \$21,495,000,000, to remain available until expended: *Pro-*
2 *vided*, That any portion of the funds provided to a State
3 in the current fiscal year and not obligated by the State
4 during that year shall be returned to the Treasury.

5 From funds provided under the previous paragraph,
6 not less than \$100,000,000 shall be available for payment
7 to the Social Security trust funds for administrative ex-
8 penses for conducting continuing disability reviews.

9 In addition, \$177,000,000, to remain available until
10 September 30, 2000, for payment to the Social Security
11 trust funds for administrative expenses for continuing dis-
12 ability reviews as authorized by section 103 of Public Law
13 104–121 and section 10203 of Public Law 105–33. The
14 term “continuing disability reviews” means reviews and
15 redeterminations as defined under section 201(g)(1)(A) of
16 the Social Security Act, as amended.

17 For making, after June 15 of the current fiscal year,
18 benefit payments to individuals under title XVI of the So-
19 cial Security Act, for unanticipated costs incurred for the
20 current fiscal year, such sums as may be necessary.

21 For making benefit payments under title XVI of the
22 Social Security Act for the first quarter of fiscal year
23 2000, \$9,550,000,000, to remain available until expended.

24 LIMITATION ON ADMINISTRATIVE EXPENSES

25 For necessary expenses, including the hire of two pas-
26 senger motor vehicles, and not to exceed \$10,000 for offi-

1 cial reception and representation expenses, not more than
2 \$5,949,000,000 may be expended, as authorized by sec-
3 tion 201(g)(1) of the Social Security Act, from any one
4 or all of the trust funds referred to therein: *Provided*, That
5 not less than \$1,600,000 shall be for the Social Security
6 Advisory Board: *Provided further*, That unobligated bal-
7 ances at the end of fiscal year 1999 not needed for fiscal
8 year 1999 shall remain available until expended to invest
9 in the Social Security Administration computing network,
10 including related equipment and non-payroll administra-
11 tive expenses associated solely with this network: *Provided*
12 *further*, That reimbursement to the trust funds under this
13 heading for expenditures for official time for employees
14 of the Social Security Administration pursuant to section
15 7131 of title 5, United States Code, and for facilities or
16 support services for labor organizations pursuant to poli-
17 cies, regulations, or procedures referred to in section
18 7135(b) of such title shall be made by the Secretary of
19 the Treasury, with interest, from amounts in the general
20 fund not otherwise appropriated, as soon as possible after
21 such expenditures are made.

22 From funds provided under the previous paragraph,
23 notwithstanding the provision under this heading in Public
24 Law 105–78 regarding unobligated balances at the end
25 of fiscal year 1998 not needed for such fiscal year, an

1 amount not to exceed \$50,000,000 from such unobligated
2 balances shall, in addition to funding already available
3 under this heading for fiscal year 1999, be available for
4 necessary expenses.

5 From funds provided under the first paragraph, not
6 less than \$200,000,000 shall be available for conducting
7 continuing disability reviews.

8 In addition to funding already available under this
9 heading, and subject to the same terms and conditions,
10 \$355,000,000, to remain available until September 30,
11 2000, for continuing disability reviews as authorized by
12 section 103 of Public Law 104–121 and section 10203 of
13 Public Law 105–33. The term “continuing disability re-
14 views” means reviews and redeterminations as defined
15 under section 201(g)(1)(A) of the Social Security Act as
16 amended.

17 In addition, \$75,000,000 to be derived from adminis-
18 tration fees in excess of \$5.00 per supplementary payment
19 collected pursuant to section 1616(d) of the Social Secu-
20 rity Act or section 212(b)(3) of Public Law 93–66, which
21 shall remain available until expended. To the extent that
22 the amounts collected pursuant to such section 1616(d)
23 or 212(b)(3) in fiscal year 1999 exceed \$75,000,000, the
24 amounts shall be available in fiscal year 2000 only to the
25 extent provided in advance in appropriations Acts.

1 OFFICE OF INSPECTOR GENERAL

2 (INCLUDING TRANSFER OF FUNDS)

3 For expenses necessary for the Office of Inspector
4 General in carrying out the provisions of the Inspector
5 General Act of 1978, as amended, \$12,000,000, together
6 with not to exceed \$44,000,000, to be transferred and ex-
7 pended as authorized by section 201(g)(1) of the Social
8 Security Act from the Federal Old-Age and Survivors In-
9 surance Trust Fund and the Federal Disability Insurance
10 Trust Fund.

11 In addition, an amount not to exceed 3 percent of
12 the total provided in this appropriation may be transferred
13 from the “Limitation on Administrative Expenses”, Social
14 Security Administration, to be merged with this account,
15 to be available for the time and purposes for which this
16 account is available: *Provided*, That notice of such trans-
17 fers shall be transmitted promptly to the Committees on
18 Appropriations of the House and Senate.

19 UNITED STATES INSTITUTE OF PEACE

20 OPERATING EXPENSES

21 For necessary expenses of the United States Institute
22 of Peace as authorized in the United States Institute of
23 Peace Act, \$11,160,000.

24 TITLE V—GENERAL PROVISIONS

25 SEC. 501. The Secretaries of Labor, Health and
26 Human Services, and Education are authorized to transfer

1 unexpended balances of prior appropriations to accounts
2 corresponding to current appropriations provided in this
3 Act: *Provided*, That such transferred balances are used for
4 the same purpose, and for the same periods of time, for
5 which they were originally appropriated.

6 SEC. 502. No part of any appropriation contained in
7 this Act shall remain available for obligation beyond the
8 current fiscal year unless expressly so provided herein.

9 SEC. 503. (a) No part of any appropriation contained
10 in this Act shall be used, other than for normal and recog-
11 nized executive-legislative relationships, for publicity or
12 propaganda purposes, for the preparation, distribution, or
13 use of any kit, pamphlet, booklet, publication, radio, tele-
14 vision, or video presentation designed to support or defeat
15 legislation pending before the Congress or any State legis-
16 lature, except in presentation to the Congress or any State
17 legislature itself.

18 (b) No part of any appropriation contained in this
19 Act shall be used to pay the salary or expenses of any
20 grant or contract recipient, or agent acting for such recipi-
21 ent, related to any activity designed to influence legislation
22 or appropriations pending before the Congress or any
23 State legislature.

24 SEC. 504. The Secretaries of Labor and Education
25 are each authorized to make available not to exceed

1 \$15,000 from funds available for salaries and expenses
2 under titles I and III, respectively, for official reception
3 and representation expenses; the Director of the Federal
4 Mediation and Conciliation Service is authorized to make
5 available for official reception and representation expenses
6 not to exceed \$2,500 from the funds available for “Sala-
7 ries and expenses, Federal Mediation and Conciliation
8 Service”; and the Chairman of the National Mediation
9 Board is authorized to make available for official reception
10 and representation expenses not to exceed \$2,500 from
11 funds available for “Salaries and expenses, National Medi-
12 ation Board”.

13 SEC. 505. Notwithstanding any other provision of
14 this Act, no funds appropriated under this Act shall be
15 used to carry out any program of distributing sterile nee-
16 dles or syringes for the hypodermic injection of any illegal
17 drug.

18 SEC. 506. (a) PURCHASE OF AMERICAN-MADE
19 EQUIPMENT AND PRODUCTS.—It is the sense of the Con-
20 gress that, to the greatest extent practicable, all equip-
21 ment and products purchased with funds made available
22 in this Act should be American-made.

23 (b) NOTICE REQUIREMENT.—In providing financial
24 assistance to, or entering into any contract with, any en-
25 tity using funds made available in this Act, the head of

1 each Federal agency, to the greatest extent practicable,
2 shall provide to such entity a notice describing the state-
3 ment made in subsection (a) by the Congress.

4 (c) PROHIBITION OF CONTRACTS WITH PERSONS
5 FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—
6 If it has been finally determined by a court or Federal
7 agency that any person intentionally affixed a label bear-
8 ing a “Made in America” inscription, or any inscription
9 with the same meaning, to any product sold in or shipped
10 to the United States that is not made in the United
11 States, the person shall be ineligible to receive any con-
12 tract or subcontract made with funds made available in
13 this Act, pursuant to the debarment, suspension, and ineli-
14 gibility procedures described in sections 9.400 through
15 9.409 of title 48, Code of Federal Regulations.

16 SEC. 507. When issuing statements, press releases,
17 requests for proposals, bid solicitations and other docu-
18 ments describing projects or programs funded in whole or
19 in part with Federal money, all grantees receiving Federal
20 funds included in this Act, including but not limited to
21 State and local governments and recipients of Federal re-
22 search grants, shall clearly state: (1) the percentage of the
23 total costs of the program or project which will be financed
24 with Federal money; (2) the dollar amount of Federal
25 funds for the project or program; and (3) percentage and

1 dollar amount of the total costs of the project or program
2 that will be financed by nongovernmental sources.

3 SEC. 508. (a) None of the funds appropriated under
4 this Act, and none of the funds in any trust fund to which
5 funds are appropriated under this Act, shall be expended
6 for any abortion.

7 (b) None of the funds appropriated under this Act,
8 and none of the funds in any trust fund to which funds
9 are appropriated under this Act, shall be expended for
10 health benefits coverage that includes coverage of abor-
11 tion.

12 (c) The term “health benefits coverage” means the
13 package of services covered by a managed care provider
14 or organization pursuant to a contract or other arrange-
15 ment.

16 SEC. 509. (a) The limitations established in the pre-
17 ceding section shall not apply to an abortion—

18 (1) if the pregnancy is the result of an act of
19 rape or incest; or

20 (2) in the case where a woman suffers from a
21 physical disorder, physical injury, or physical illness,
22 including a life-endangering physical condition
23 caused by or arising from the pregnancy itself, that
24 would, as certified by a physician, place the woman
25 in danger of death unless an abortion is performed.

1 (b) Nothing in the preceding section shall be con-
2 strued as prohibiting the expenditure by a State, locality,
3 entity, or private person of State, local, or private funds
4 (other than a State's or locality's contribution of Medicaid
5 matching funds).

6 (c) Nothing in the preceding section shall be con-
7 strued as restricting the ability of any managed care pro-
8 vider from offering abortion coverage or the ability of a
9 State or locality to contract separately with such a pro-
10 vider for such coverage with State funds (other than a
11 State's or locality's contribution of Medicaid matching
12 funds).

13 SEC. 510. Notwithstanding any other provision of
14 law—

15 (1) no amount may be transferred from an ap-
16 propriation account for the Departments of Labor,
17 Health and Human Services, and Education except
18 as authorized in this or any subsequent appropria-
19 tion Act, or in the Act establishing the program or
20 activity for which funds are contained in this Act;

21 (2) no department, agency, or other entity,
22 other than the one responsible for administering the
23 program or activity for which an appropriation is
24 made in this Act, may exercise authority for the tim-
25 ing of the obligation and expenditure of such appro-

1 priation, or for the purpose for which it is obligated
2 and expended, except to the extent and in the man-
3 ner otherwise provided in sections 1512 and 1513 of
4 title 31, United States Code; and

5 (3) no funds provided under this Act shall be
6 available for the salary (or any part thereof) of an
7 employee who is reassigned on a temporary detail
8 basis to another position in the employing agency or
9 department or in any other agency or department,
10 unless the detail is independently approved by the
11 head of the employing department or agency.

12 SEC. 511. (a) None of the funds made available in
13 this Act may be used for—

14 (1) the creation of a human embryo or embryos
15 for research purposes; or

16 (2) research in which a human embryo or em-
17 bryos are destroyed, discarded, or knowingly sub-
18 jected to risk of injury or death greater than that
19 allowed for research on fetuses in utero under 45
20 CFR 46.208(a)(2) and section 498(b) of the Public
21 Health Service Act (42 U.S.C. 289g(b)).

22 (b) For purposes of this section, the term “human
23 embryo or embryos” includes any organism, not protected
24 as a human subject under 45 CFR 46 as of the date of
25 the enactment of this Act, that is derived by fertilization,

1 parthenogenesis, cloning, or any other means from one or
2 more human gametes or human diploid cells.

3 SEC. 512. (a) LIMITATION ON USE OF FUNDS FOR
4 PROMOTION OF LEGALIZATION OF CONTROLLED SUB-
5 STANCES.—None of the funds made available in this Act
6 may be used for any activity when it is made known to
7 the Federal official having authority to obligate or expend
8 such funds that the activity promotes the legalization of
9 any drug or other substance included in schedule I of the
10 schedules of controlled substances established by section
11 202 of the Controlled Substances Act (21 U.S.C. 812).

12 (b) EXCEPTIONS.—The limitation in subsection (a)
13 shall not apply when it is made known to the Federal offi-
14 cial having authority to obligate or expend such funds that
15 there is significant medical evidence of a therapeutic ad-
16 vantage to the use of such drug or other substance or that
17 federally sponsored clinical trials are being conducted to
18 determine therapeutic advantage.

19 SEC. 513. None of the funds made available in this
20 Act may be obligated or expended to enter into or renew
21 a contract with an entity when it is made known to the
22 Federal official having authority to obligate or expend
23 such funds that—

24 (1) such entity is otherwise a contractor with
25 the United States and is subject to the requirement

1 in section 4212(d) of title 38, United States Code,
2 regarding submission of an annual report to the Sec-
3 retary of Labor concerning employment of certain
4 veterans; and

5 (2) such entity has not submitted a report as
6 required by that section for the most recent year for
7 which such requirement was applicable to such en-
8 tity.

9 SEC. 514. None of the funds made available in this
10 Act may be used to pay the expenses of an election officer
11 appointed by a court to oversee an election of any officer
12 or trustee for the International Brotherhood of Teamsters.

13 SEC. 515. Except as otherwise specifically provided
14 by law, unobligated balances remaining available at the
15 end of fiscal year 1999 from appropriations made avail-
16 able for salaries and expenses for fiscal year 1999 in this
17 Act, shall remain available through December 31, 1999,
18 for each such account for the purposes authorized: *Pro-*
19 *vided*, That the House and Senate Committees on Appro-
20 priations shall be notified at least fifteen days prior to the
21 obligation of such funds.

22 SEC. 516. Section 14(c)(1) of the National Labor Re-
23 lations Act is amended to read as follows:

24 “(c)(1)(A) MANDATORY JURISDICTION.—The Board
25 shall assert jurisdiction over any labor dispute involving

1 any class or category of employers over which it would
2 assert jurisdiction under the standards prevailing on Au-
3 gust 1, 1959, with the financial threshold amounts ad-
4 justed for inflation under subparagraph (B).

5 “(B) INFLATION ADJUSTMENTS.—The Board, begin-
6 ning on October 1, 1998, and not less often than every
7 5 years thereafter, shall adjust each of the financial
8 threshold amounts referred to in subparagraph (A) for in-
9 flation, using as the base period the later of (i) the most
10 recent calendar quarter ending before the financial thresh-
11 old amount was established, or (ii) the calendar quarter
12 ending June 30, 1959. The inflation adjustments shall be
13 determined using changes in the Consumer Price Index
14 for all urban consumers published by the Department of
15 Labor and shall be rounded to the nearest \$10,000. The
16 Board shall prescribe any regulations necessary for mak-
17 ing the inflation adjustments.”.

18 TITLE VI—CHILD PROTECTION ACT OF 1998

19 SEC. 601. This title may be cited as the “Child Pro-
20 tection Act of 1998”.

21 SEC. 602. (a) COMPUTER SOFTWARE INSTALLATION
22 REQUIRED.—Any elementary or secondary school or pub-
23 lic library that has received under any program or activity
24 of any Federal agency any funds for the acquisition or

1 operation of any computer that is accessible to minors and
2 that has access to the Internet shall—

3 (1) install software on that computer that is de-
4 termined (in accordance with subsection (b)) to be
5 adequately designed to prevent minors from obtain-
6 ing access to any obscene information using that
7 computer; and

8 (2) ensure that such software is operational
9 whenever that computer is used by minors, except
10 that such software's operation may be temporarily
11 interrupted to permit a minor to have access to in-
12 formation that is not obscene or otherwise unpro-
13 tected by the Constitution under the direct super-
14 vision of an adult designated by such school or li-
15 brary.

16 (b) DETERMINATION OF ADEQUATE DESIGN.—For
17 any elementary or secondary school or public library with-
18 in the jurisdiction of any State, the determinations re-
19 quired for purposes of subsection (a)(1) shall be made by
20 an agency or official designated by the chief executive offi-
21 cer of such State. For any elementary or secondary school
22 or public library that is not within the jurisdiction of any
23 State, the determinations required for purposes of sub-
24 section (a)(1) shall be made by the Secretary of Edu-
25 cation.

1 (c) CONSEQUENCES OF VIOLATIONS.—

2 (1) USE OF GENERAL EDUCATION PROVISIONS
3 ACT REMEDIES.—Whenever the head of any Federal
4 agency has reason to believe that any recipient of
5 funds under any program or activity is failing to
6 comply substantially with the requirements of sub-
7 section (a), the head of such agency may—

8 (A) withhold further payments under that
9 program or activity,

10 (B) issue a complaint to compel compliance
11 through a cease and desist order, or

12 (C) enter into a compliance agreement
13 with a recipient to bring it into compliance,
14 in the same manner as the Secretary of Education
15 is authorized to take such actions under sections
16 455, 456, and 457, respectively, of the General Edu-
17 cation Provisions Act (20 U.S.C. 1234d).

18 (2) RECOVERY OF FUNDS PROHIBITED.—The
19 actions authorized by paragraph (1) are the exclu-
20 sive remedies available with respect to a violation of
21 subsection (a), and the head of any Federal agency
22 shall not seek a recovery of funds from the recipient.

23 (d) DEFINITIONS.—For purposes of this section:

24 (1) ELEMENTARY OR SECONDARY SCHOOL.—

25 The term “elementary or secondary school” means

1 an elementary school or a secondary school as such
2 terms are defined in section 14101 of the Elemen-
3 tary and Secondary Education Act of 1965 (20
4 U.S.C. 8801).

5 (2) PUBLIC LIBRARY.—The term “public li-
6 brary” has the meaning given the term “library” by
7 section 213 of the Library Services and Technology
8 Act (20 U.S.C. 9122).

9 (3) COMPUTER.—The term “computer” in-
10 cludes any hardware, software, or other technology
11 attached or connected to, installed in, or otherwise
12 used in connection with a computer.

13 (4) ACCESS TO INTERNET.—A computer shall
14 be considered to have access to the Internet if such
15 computer is equipped with a modem or is connected
16 to a computer network which has access to the
17 Internet.

18 (5) ACQUISITION OR OPERATION.—An elemen-
19 tary or secondary school or public library shall be
20 considered to have received under a program or ac-
21 tivity of any Federal agency any funds for the acqui-
22 sition or operation of any computer if such funds are
23 used in any manner, directly or indirectly—

24 (A) to purchase, lease, or otherwise acquire
25 or obtain the use of such computer, or

1 (B) to obtain services, supplies, software,
 2 or other actions or materials to support, or in
 3 connection with, the operation of such com-
 4 puter.

5 (6) FEDERAL AGENCY.—The term “Federal
 6 agency” has the meaning given the term “agency”
 7 by section 551(1) of title 5, United States Code.

8 (7) STATE.—The term “State” means each of
 9 the 50 States, the District of Columbia, the Com-
 10 monwealth of Puerto Rico, the Virgin Islands,
 11 Guam, American Samoa, the Commonwealth of the
 12 Northern Mariana Islands, the Republic of the Mar-
 13 shall Islands, the Federated States of Micronesia,
 14 and the Republic of Palau.

15 TITLE VII—MISCELLANEOUS PROVISIONS

16 ASSURING ACCESS TO ROUTINE AND PREVENTIVE OB-
 17 STETRICAL AND GYNECOLOGICAL SERVICES UNDER
 18 GROUP HEALTH PLANS, GROUP AND INDIVIDUAL
 19 HEALTH INSURANCE COVERAGE, MEDICARE, AND
 20 MEDICAID

21 SEC. 701. (a) GROUP HEALTH PLANS.—

22 (1) PUBLIC HEALTH SERVICE ACT AMEND-
 23 MENTS.—(A) Subpart 2 of part A of title XXVII,
 24 the Public Health Service Act, as amended by sec-

1 tion 703(a) of Public Law 104–204, is amended by
2 adding at the end the following new section:

3 **“SEC. 2706. STANDARDS RELATING TO ACCESS TO ROUTINE**
4 **AND PREVENTIVE OBSTETRICAL AND GYNE-**
5 **COLOGICAL SERVICES.**

6 “(a) IN GENERAL.—If a group health plan or health
7 insurance issuer, in the provision of health insurance cov-
8 erage in connection with a group health plan, requires or
9 provides for an enrollee to designate a participating pri-
10 mary care provider—

11 “(1) the plan or issuer shall permit a female
12 enrollee to designate an obstetrician-gynecologist
13 who has agreed to be designated as such, as the en-
14 rollee’s primary care provider; and

15 “(2) if such an enrollee has not designated such
16 a provider as a primary care provider, the plan or
17 issuer—

18 “(A) may not require prior authorization
19 by the enrollee’s primary care provider or other-
20 wise for coverage of routine and preventive ob-
21 stetric and gynecologic care provided by a par-
22 ticipating obstetrician-gynecologist, or a partici-
23 pating health care professional practicing in col-
24 laboration with the obstetrician-gynecologist

1 and in accordance with State law, to the extent
2 such care is otherwise covered, and

3 “(B) may treat the ordering of other
4 gynecologic care by such a participating physi-
5 cian as the prior authorization of the primary
6 care provider with respect to such care under
7 the coverage.

8 “(b) CONSTRUCTION.—Nothing in subsection
9 (a)(2)(B) shall waive any requirements of coverage relat-
10 ing to medical necessity or appropriateness with respect
11 to coverage of gynecologic care so ordered.

12 “(c) PROHIBITIONS.—The provisions of paragraphs
13 (1) through (3) of section 2704(b) shall apply to a woman
14 under this section in the same manner as they apply to
15 a mother under section 2704.

16 “(d) NOTICE.—A group health plan under this part
17 shall comply with the notice requirement under section
18 713(b) of the Employee Retirement Income Security Act
19 of 1974 with respect to the requirements of this section
20 as if such section applied to such plan.

21 “(e) LEVEL AND TYPE OF REIMBURSEMENTS.—
22 Nothing in this section shall be construed to prevent a
23 group health plan or a health insurance issuer offering
24 group health insurance coverage from negotiating the level

1 and type of reimbursement with a provider for care pro-
 2 vided in accordance with this section.

3 “(f) NON-PREEMPTION OF MORE PROTECTIVE
 4 STATE LAW WITH RESPECT TO HEALTH INSURANCE
 5 ISSUERS.—Notwithstanding section 2723(a)(1) but sub-
 6 ject to section 2723(a)(2), this section shall not be con-
 7 strued to supersede any provision of State law which es-
 8 tablishes, implements, or continues in effect any standard
 9 or requirement solely relating to health insurance issuers
 10 in connection with group health insurance coverage that
 11 provides greater protections to enrollees than the protec-
 12 tions provided under this section.”.

13 (B) Section 2723 of such Act (42 U.S.C.
 14 300gg-23) is amended—

15 (i) in subsection (a)(1), by inserting
 16 “and section 2706(f)” after “Subject to
 17 paragraph (2)”, and

18 (ii) in subsection (c), by striking “sec-
 19 tion 2704” and inserting “sections 2704
 20 and 2706”.

21 (2) ERISA AMENDMENTS.—(A) Subpart B of
 22 part 7 of subtitle B of title I of the Employee Re-
 23 tirement Income Security Act of 1974, as amended
 24 by section 702(a) of Public Law 104–204, is amend-
 25 ed by adding at the end the following new section:

1 **“SEC. 713. STANDARDS RELATING TO ACCESS TO ROUTINE**
2 **AND PREVENTIVE OBSTETRICAL AND GYNE-**
3 **COLOGICAL SERVICES.**

4 “(a) IN GENERAL.—The provisions of section 2706
5 (other than subsections (d) and (f)) of the Public Health
6 Service Act shall apply to group health plans and health
7 insurance coverage offered by a health insurance issuer
8 in connection with a group health plan in the same man-
9 ner as it applies to health insurance coverage offered by
10 a health insurance issuer in connection with a group
11 health plan in the small or large group market.

12 “(b) NOTICE.—The imposition of the requirements of
13 this section shall be treated as a material modification in
14 the terms of the plan described in section 102(a)(1), for
15 purposes of assuring notice of such requirements under
16 the plan; except that the summary description required to
17 be provided under the last sentence of section 104(b)(1)
18 with respect to such modification shall be provided by not
19 later than 60 days after the first day of the first plan
20 year in which such requirements apply.

21 “(c) NON-PREEMPTION OF MORE PROTECTIVE
22 STATE LAW WITH RESPECT TO HEALTH INSURANCE
23 ISSUERS.—Notwithstanding section 731(a)(1) but subject
24 to section 731(a)(2), this section shall not be construed
25 to supersede any provision of State law which establishes,
26 implements, or continues in effect any standard or re-

1 quirement solely relating to health insurance issuers in
 2 connection with group health insurance coverage that pro-
 3 vides greater protections to enrollees than the protections
 4 provided under this section.”.

5 (B) Section 731 of such Act (29 U.S.C.
 6 1191) is amended—

7 (i) in subsection (a)(1), by inserting
 8 “and section 713(c)” after “Subject to
 9 paragraph (2)”, and

10 (ii) in subsection (c), by striking “sec-
 11 tion 711” and inserting “sections 711 and
 12 713”.

13 (C) Section 732(a) of such Act (29 U.S.C.
 14 1191a(a)), as amended by section 603(b)(2) of
 15 Public Law 104–204, is amended by striking
 16 “section 711” and inserting “sections 711 and
 17 713”.

18 (D) The table of contents in section 1 of
 19 such Act is amended by inserting after the item
 20 relating to section 712 the following new item:

“Sec. 713. Standards relating to access to routine and preventive obstetrical and
 gynecological services.”.

21 (b) INDIVIDUAL HEALTH INSURANCE.—(1) Part B
 22 of title XXVII of the Public Health Service Act, as amend-
 23 ed by section 605(a) of Public Law 104–204, is amended
 24 by inserting after section 2751 the following new section:

1 **“SEC. 2752. STANDARDS RELATING TO ACCESS TO ROUTINE**
2 **AND PREVENTIVE OBSTETRICAL AND GYNE-**
3 **COLOGICAL SERVICES.**

4 “(a) IN GENERAL.—The provisions of section 2706
5 (other than subsections (d) and (f)) shall apply to health
6 insurance coverage offered by a health insurance issuer
7 in the individual market in the same manner as it applies
8 to health insurance coverage offered by a health insurance
9 issuer in connection with a group health plan in the small
10 or large group market.

11 “(b) NOTICE.—A health insurance issuer under this
12 part shall comply with the notice requirement under sec-
13 tion 713(b) of the Employee Retirement Income Security
14 Act of 1974 with respect to the requirements referred to
15 in subsection (a) as if such section applied to such issuer
16 and such issuer were a group health plan.

17 “(c) NON-PREEMPTION OF MORE PROTECTIVE
18 STATE LAW WITH RESPECT TO HEALTH INSURANCE
19 ISSUERS.—Notwithstanding section 2762(a) but subject
20 to section 2762(b)(1), this section shall not be construed
21 to supersede any provision of State law which establishes,
22 implements, or continues in effect any standard or re-
23 quirement solely relating to health insurance issuers in
24 connection with group health insurance coverage that pro-
25 vides greater protections to enrollees than the protections
26 provided under this section.”.

1 (2) Section 2762 of such Act (42 U.S.C.
2 300gg-62) is amended—

3 (A) in subsection (a), by inserting “and
4 section 2752(c)” after “Subject to subsection
5 (b)”, and

6 (B) in subsection (b)(2), as added by sec-
7 tion 605(b)(3)(B) of Public Law 104-204, by
8 striking “section 2751” and inserting “sections
9 2751 and 2752”.

10 (c) APPLICATION UNDER MEDICARE MANAGED
11 CARE.—

12 (1) IN GENERAL.—Section 1852(d) of the So-
13 cial Security Act (42 U.S.C. 1395w-22(d)) is
14 amended by adding at the end the following new
15 paragraph:

16 “(5) ACCESS TO ROUTINE AND PREVENTIVE
17 OBSTETRICAL AND GYNECOLOGICAL SERVICES.—A
18 Medicare+Choice organization shall meet the re-
19 quirements of section 2706 of the Public Health
20 Service Act with respect to individuals enrolled with
21 the organization under this part.”.

22 (2) CONFORMING AMENDMENT.—Section
23 1876(k)(4) of such Act (42 U.S.C. 1395mm(k)(4))
24 is amended by adding at the end the following new
25 subparagraph:

1 “(E) The requirement to provide access to
2 routine and preventive obstetrical and gynecological
3 services under section 1852(d)(5).”.

4 (d) MEDICAID MANAGED CARE.—Section 1932(b) of
5 the Social Security Act (42 U.S.C. 1396u–2(b)) is amended
6 by adding at the end the following new paragraph:

7 “(9) ACCESS TO ROUTINE AND PREVENTIVE
8 OBSTETRICAL AND GYNECOLOGICAL SERVICES.—

9 “(A) IN GENERAL.—Each contract with a
10 managed care entity under section 1903(m) or
11 under section 1905(t)(3) shall require the entity
12 to meet the requirements of section 2706 of the
13 Public Health Service Act with respect to individuals
14 enrolled with the organization under
15 this title.

16 “(B) COST SHARING.—Nothing in this
17 paragraph or section 2706(e) of the Public
18 Health Service Act shall be construed as authorizing
19 a health insurance issuer to impose
20 cost sharing with respect to the coverage described
21 in subparagraph (A) that is inconsistent
22 with the cost sharing that is otherwise permitted
23 under this title.

1 “(C) WAIVERS PROHIBITED.—The require-
2 ment of subparagraph (A) may not be waived
3 under section 1115 or section 1915(b).”.

4 (e) EFFECTIVE DATES.—

5 (1) GROUP HEALTH PLANS.—The amendments
6 made by subsection (a) shall apply with respect to
7 group health plans for plan years beginning on or
8 after January 1, 1999; except that the special rules
9 under section 102(c)(3) of the Health Insurance
10 Portability and Accountability Act of 1996 (relating
11 to collective bargaining agreements) shall apply to
12 the effectiveness of such amendments as if any ref-
13 erence in such section to “July 1, 1997” were
14 deemed a reference to “January 1, 1999”.

15 (2) INDIVIDUAL HEALTH INSURANCE.—The
16 amendments made by subsection (b) shall apply with
17 respect to health insurance coverage offered, sold,
18 issued, renewed, in effect, or operated in the individ-
19 ual market on or after January 1, 1999.

20 (3) MEDICARE.—The amendments made by
21 subsection (c) shall apply to Medicare+Choice orga-
22 nizations and eligible organizations for contract
23 years beginning on or after January 1, 1999.

24 (4) MEDICAID.—The amendment made by sub-
25 section (d) shall apply to State plans under title

1 XIX of the Social Security Act for contract years be-
2 ginning on or after January 1, 1999.

3 SEC. 702. Section 4 of the Federal Cigarette Label-
4 ing and Advertising Act (15 U.S.C. 1333) is amended—

5 (1) in subsection (a)(1), by adding at the end
6 the following:

7 “SURGEON GENERAL’S WARNING: Afri-
8 can Americans suffer the highest death rates from
9 several diseases caused by smoking.”;

10 (2) in subsection (a)(2), by adding at the end
11 the following:

12 “SURGEON GENERAL’S WARNING: Afri-
13 can Americans suffer the highest death rates from
14 several diseases caused by smoking.”; and

15 (3) in subsection (a)(3), by adding at the end
16 the following:

17 “SURGEON GENERAL’S WARNING: Afri-
18 can Americans suffer the highest death rates from
19 several diseases caused by smoking.”.

20 This Act may be cited as the “Departments of Labor,
21 Health and Human Services, and Education, and Related
22 Agencies Appropriations Act, 1999”.